LAWS and ACTS

Past in the third Session of the second

PARLIAMENT,

Of our most High and Dread Soveraign,

CHARLES

THE SECOND,

By the Grace of God, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Holden at *EDINBURGH*, from the 12. of *June* to the 11. of *September*, 1672.

By his Grace, John *Duke of* Lauderdale, *Marquess of* Marche, *Earle of* Lauderdail, *Viscount* Maitland, *Lord* Thirlestane, Musselburgh *and* Bolton, *&c. His* Majesties *Commissioner*, &c.

EDINBURGH;
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CUM PRIVILEGIO.

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LAWS and ACTS past in the third SESSION *of the second* PARLIAMENT, *of our most High and Dread Soveraign,* CHARLES *the Second, by the Grace of* GOD, *King of* Scotland, England, France *and* Ireland, Defender of the Faith.

Begun at Edinburgh *upon the* 12. *of* June, *and continued to the* 11. *of* September, *in the* Year, 1672.

I.

ACT for Settling the Militia.

Edinburgh, *the* 25. *of* June, 1672.

THE Kings *Majesty* considering, that the Honour and Security of this His Ancient Kingdom are much concerned in the right ordering and settleing of the Militia within the same: Which being a Service and Imployment of so great Trust, His *Majesty* Resolves to take special notice thereof; and as He will give all due encouragements to those who shall be imployed therein, so He will expect, and require from them

an exact performance of the duties and ſervices incumbent to them in their ſeveral ſtations. And therefore His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Doth hereby Declare, Statute and Enact, That all ſuch perſons who ſhall be enrolled and admitted in this truſt of the Militia, ſhall be entirely reſerved for that imployment; and during their ſervice in it, ſhall be freed and exeem'd from all other Levies whatſoever. And that the perſons imployed may be ſuitable to, and qualified for ſuch a truſt, It is alſo hereby Statute and Ordained, That all the Officers in the Militia, be perſons well affected to the Religion and Government of the Church, as it is now eſtabliſhed by the Laws of this Kingdom: And that all the Officers and Souldiers, to Horſe or Foot, ſhall, at the firſt Rendevous of each Regiment or Troup, where they ſhall be preſent, Take the Oath of Allegiance, which is hereby Ordained to be adminiſtred unto them, by the chief Officer commanding upon the place. And if it ſhall happen any of them to refuſe the ſame, That they ſhall be preſently ſeiſed on, and ſent to the next publick Priſon, there to be kept, till, by Order of His *Majeſties* Privy Council, they be baniſhed the Kingdom: And that theſe who outreiked them, do forthwith furniſh others in their place.

And further, it is hereby Statute and Ordained, That all the Officers of the Militia do punctually attend their ſeverall Charges, and that none of them offer to deſert or dimit the ſame (but upon a juſt and reaſonable cauſe, to be firſt offered to, and allowed by, His *Majeſties* Privy Council) under the pains following: *viz.* a Collonel of Foot, and Captain of Horſe, two thouſand merks; a Lieutenant-Collonel of Foot, and Lieutenant of Horſe, one thouſand five hundred merks; a Major, or Captain of Foot, one thouſand merks; a Lieutenant, or Enſign of Foot, or Cornet of Horſe, five hundred merks. And that all Officers to be hereafter named, ſhall accept and attend their Charges; and if any of them ſhall refuſe to accept, without a reaſonable cauſe, to be firſt allowed as ſaid is, they ſhall be alſo liable to the reſpective Fynes aforeſaid. And in caſe any of the Officers already admitted, or who ſhall hereafter be admitted in this Service, ſhall neglect the ſame, and not give due attendance at the ſeverall diets of Rendevous of the Regiments, Troups, and of the Companies, they ſhall be liable to, and forfeit, the Fynes following; a Major and Captain of Foot, and a Lieutenant and Cornet of Horſe, fifty pounds in time of war, and twenty five pounds in time of peace; and the other inferior Officers, twenty four pounds in time of war, and twelve pounds in time of peace. And it is alſo hereby Declared, that all Fynes formerly impoſed by Act of Parliament, for abſence from Rendevous, or deficiency in outreik

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of Horſe or Men, or in caſes of inſufficiency of Horſe or Arms, ſhall be doubled in time of War.

It is alſo hereby Ordained, that none be deſigned Horſemen or Footmen of the Militia, but ſuch as dwell and reſide in the bounds within which they ſerve; and if any be already otherwiſe deſigned, that they be changed, and others accordingly put in their places: And that, in time coming, no Leader change any Tennent, Cottar or Servant deſigned Horſeman or Footman in the Militia, ſo long as he continues on the Leaders ground, or in the bounds for which he ſerves, or ſhall be in the Leaders or Tennents ſervice: And that the Tennent, Cottar or Servant liſted in the Militia, ſhall not remove from his Maſters ground, nor leave his ſervice, untill year and day expire; and then the removall is only to be at the term of Whitſunday, the Leader being alwayes oblidged, before this removall, to preſent to the Captain another ſufficient man in his place, who ſhall continue in the ſervice as aforeſaid. And if any man liſted in the Militia, ſhall deſert the ſervice, and withdraw to any other place without the bounds for which he ſerves; the perſons who reſſet him, upon intimation thereof given by his Maſter, or the Captain of the Troup or Company, ſhall be holden to return him back within three dayes thereafter, and the perſon himſelf to be puniſhed for his fault, at the diſcretion of the Captain and any two Commiſſioners of the Militia: And in caſe the Reſſetter, being required, ſhall not return him, he is to be fyned in an hundred merks *Scots* by any two Commiſſioners of the Militia, if he live within the Shire: and if he live in any other Shire, by the Sheriff, Magiſtrates of Burgh, or any other ordinar Magiſtrate on the place.

It is likewiſe hereby Ordained, that the Leader of every Horſe is to furniſh and uphold a ſufficient Horſe with his furniture, for the ſpace of ſeven years from this time; and that after the expyring of the ſeven years, theſe of the Fraction with him ſhall contribute for another Horſe, at the rate of ten pounds *Sterling*, and that the Horſe be provided to the value of that ſumme, and ſo after the expiring of each ſeven years thereafter *ſucceſſivè*: And that the Heritors of every Shire allow yearly fourty eight pounds *Scots* to the Trumpetter who ſerves their Troup, and twelve pounds *Scots* to every Drummer who ſerveth their Companies. And it is further Ordained, that, beſides the dayes of Rendevous already appointed, and which are ſtill to be obſerved in the time of Peace; Yet in the time of War, there are to be two Rendevous yearly of the Regiments of Foot; at either of which, the Companies are to be keeped together, and exerciſed for two dayes; as alſo, four dayes of Rendevous for the ſeverall Companies. But in regard of the

diſtance of the bounds, and other difficulties in drawing together the Regiment which is raiſed out of *Argyl*, *Bute* and *Dumbartan*, they are to have only one generall Rendevous in the year, and two for the ſeverall Companies, who are to ſtay together two dayes at either of their Rendevous.

And further, His *Majeſty*, with advice and conſent foreſaid, Ratifies, Approves and Renews all former Acts, Orders or Inſtructions paſt in Parliament, or by His *Majeſties* Privy Council concerning the Militia; and Ordains them to be put to due execution, except in ſo far as any of them are innovate or altered by this preſent Act.

III.

ACT concerning Pupils and Minors, and their Tutors and Curators.

Edinburgh, 28. of *June*, 1672.

OUr Soveraign Lord, Conſidering the great prejudice and inconvenience befalling to Pupils and others, who cannot provide for, or defend themſelves, That their Tutors or Curators have immediate acceſs to their Charter-cheſts, Writs, Evidents and Securities of their lands, ſums of money and others belonging to them, which they may imbeſil, ſuppreſs, or, by colluſion, give up to their Debitors or other parties intereſſed, without juſt ſatisfaction; Or otherwiſe, having gotten ſatisfaction, there is no mean by which a Charge can be made up againſt the ſaids Tutors and Curators, but themſelves, when they are brought to an account, make both their own Charge and Diſcharge; and in caſe of their deceaſe, they who ſucceed to them, for the moſt part, can have no charge made up againſt them at all. For remeed whereof, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Statutes, Ordains and Declares, That no Tutor or Curator of any Pupil, Minor, Idiot or furious perſon, to be named or deſigned in any time coming, or who is not actually ſtated and entered in the ſaid office, ſhall have power or authority

rity to exercise the said Office of Tutor or Curator, or to meddle with the Writs, Evidents, Means and Estate of the saids Pupils, Minors, Idiots or furious persons, untill first an Inventar be made up, in manner afterspecified, by the saids Tutors and Curators, with advice and consent of the neareſt of kin on the fathers side, and the neareſt of kin on the mothers side, who shall be *majors*, and within the Kingdom for the time: which Inventar shall be subscribed by the saids Tutors and Curators, and the saids neareſt of kin; and one subscribed double thereof keeped by the said Tutors or Curators, another by the neareſt of kin on the fathers side, and the third by the neareſt of kin on the mothers side. All which subscribed Duplicats shall be judicially produced before the Judge ordinar of the place, where the Pupil, Minor, Idiot or furious person their chief residence is, and an Act made, upon production thereof, bearing the production of the Inventar, and expressing the names of the persons subscribers thereof, and in whose custody the same were left; and that the Duplicats be also subscribed by the Clerk of Court, that they may not be altered thereafter. And in case the neareſt of kin on both sides will not concur in making up the Inventar in manner foresaid, the saids Tutors and Curators shall raise summonds at their instance, before the saids Judges ordinar *respectivè*, for summonding the neareſt of kin that are *majors*, and within the Countrey, upon either side, for decerning them to concur in making up of the said Inventar in maner foresaid: And in case they compear not, or do not concur as said is, With certification, the said Inventar shall be made up by the said Tutor or Curator, with advice and consent of the Judge ordinar, or any whom he shall delegate or appoint, who shall subscribe three Duplicats of the said Inventar with the saids Tutors or Curators, whereupon a judiciall Act shall be made, and the Duplicats subscribed by the Clerk, in the same manner as if the neareſt of kin had concurred; and a Duplicat thereof shall be keeped by the saids Tutors and Curators, and the other two Duplicats shall remain in the Clerks hands, to be delivered to the neareſt of kin on the father and mothers side, being closed up and sealed by the saids Tutors or Curators, and the person delegate for making the said Inventar as said is. Which Inventar shall contain the names and designations of the lands belonging to the Pupils, Minors and others foresaids, and the Bands, Counts and Tickets due to them, and sums therein contained, and their Moveables, aswell Heirship-Moveable as other Moveables: And in case that thereafter any other Lands, Debts, Sums of Money or other Goods and Gear whatsoever, belonging, or that may happen to belong to the saids Pupils, Minors, Idiots or furious persons,

shall

shall come to the knowledge of the saids Tutors or Curators, so that they may attain to the possession thereof; In that case, and within the space of two moneths after they attain to the possession of the samine, They shall eeke the same to the foresaid Inventar, and make a judiciall Act thereupon in the hands of the Clerk of Court where the principall Inventar was made, and shall leave two Duplicats of the said Eek or Eeks, one or mos, sealed as said is, in the hands of the said Clerk, for the use of the neareſt of kin as said is. And it is herey further Declared, That the Debitors of the Pupils, Minors, Idiots or furious persons, shall not be obliged to make payment to the Tutors or Curators of the saids Persons, of any Sums due by them, unlesse the said Tutor or Curator show to the saids Debitors, that the Sums or Goods demanded from them, are contained in the saids Inventars or Eeks subscribed by the saids neareſt of kin, or by the Clerk of Court in manner *respectivè* foresaid. And it is hereby further Declared, that, if the saids Tutors or Curators shall failzie in making up the saids Inventars and Eeks in manner abovewritten, They shall be lyable both for Intromission and Omission, and shall have no allowance or defalcation of the charges and expenses wared out by them in the affairs of the saids Pupils, Minors, Idiots or furious persons: and shall be removeable from their Office as suspect Tutors and Curators, if they fail in making up the Eeks from time to time in manner foresaid. It is alwayes hereby Declared, that this Act shall not prejudge Pupils, Minors and other persons aforesaid, to charge their Tutors or Curators with what it can be made appear they have intrometted, or might have intrometted with, over and above what is contained in the Inventar. And further, His *Majesty*, with advice and consent foresaid, Statutes and Ordains, That all Gifts of Tutory, that shall be granted hereafter, by His *Majesty* or His Exchequer, shall proceed upon citation of the Minors neareſt of kin on both sides, at the instance of the Cravers of the saids Gifts: That they may be heard, if they have any thing to say against the person to whom the Gift is to be granted; or, upon consent first obtained thereto, under the hands of the said neareſt of kin. And Ordains, that the said Gifts shall bear expresly that the neareſt of kin were cited, or consented to the passing of the said Gifts: Certifying all who shall procure Gifts of Tutory or Curatory foresaids, without citation or consent of the saids neareſt of kin, or where the samine is not expresly mentioned therein, That these Gifts shall be declared null and void, by way of exception or action, at the instance of any person who shall have obtained a Gift of the saids Tutory or Curatory, conform to the Tenor of this present Act.

ACT

III.

ACT discharging the importation of Iriſh *Victual.*

Edinburgh, 28. of *June*, 1672.

Oraſmuch as the importing of Victual, Horſes and Cows from *Ireland* into this Kingdom, hath been, by diverſe publick Acts and Statutes, diſcharged, under great pains; And that, notwithſtanding thereof, ſundry perſons, preferring their own private intereſts to their obedience to the Law and good of the Kingdom, have adventured to import diverſe quantities of Victual from *Ireland*, and have vented and ſold the ſame in this Kingdom; whereby the ſale of Corns, growing within the Kingdom, hath been ſtopped, and much money hath been unwarrantably carried out of the Kingdom. And His *Majeſty* being reſolved, for the good of this His Ancient Kingdom, to take an effectual courſe for preventing and reſtraining ſuch courſes for the time to come: Doth therefore, with advice and conſent of the Eſtates of Parliament, Statute and Ordain, that all Heritors, Wod-ſetters and Live-renters within the Shire of *Lanerk* below *Glaſgow*, and in the Shires of *Air*, *Renfrew*, *Wigtoun*, *Dumbartan*, *Bute*, *Argyl*, and Stewartrie of *Kirkcudbright*, having Land on the Sea-coaſts; and the Magiſtrates of the Burghs of *Glaſgow*, *Dumfreis*, *Kirkcudbright*, *Renfrew*, *Dumbartan*, *Irwing*, *Air*, *Stranrawer*, *Roſsa* and *Innerraray*, give Bonds, that they, their Tennents, or any dwelling on their Lands, or Inhabitants within the ſaids Burghs, ſhall not import or reſſett any ſort of Victual from *Ireland*, under the pain of twelve hundred pounds *Scots totiès quotiès*. And if any of that Victual ſhall happen to be Livered within their bounds, by perſons not living within the ſame, That they alſo detain and ſeiſe the Victual, Veſſel and Perſons therein, if they can be apprehended, under the ſame pain. And if the Importers make any forcible reſidence, It is hereby Declared, that the Seiſers,

and theſe who ſhall aſſiſt them, ſhall be free of all skaith or prejudice may fall out thereupon: And that they give timous notice thereof to the Lords of His *Majeſties* Privy Council or Exchequer, who are hereby impowered to puniſh the Importers, by fyning or impriſonment, or both, as they ſhall think fit. And for the Veſſels and Goods, whether imported by Natives or Strangers, They are hereby Declared to be confiſcate; two parts thereof to His *Majeſties* uſe, and the third part to the Seiſer, whether he be Heritor of the Lands where the Importation happeneth, or not. And in caſe any Heritors or Magiſtrates ſhall ſuffer any Victual to be imported, and ſhall not ſeiſe and certifie as ſaid is, and that any other perſon ſhall inform thereof, and verifie the ſame; This Informer is to have the third of the Goods, if they ſhall be apprehended, and alſo the third of the fyne impoſed upon the Heritors or Magiſtrates failzeing as ſaid is. Lykeas His *Majeſty*, with Advice foreſaid, doth Authorize the Lords of his *Majeſties* Privy Council to appoint fit Perſons to receive the Subſcriptions of the Heritors, Magiſtrates and others foreſaids, within the bounds abovewritten, to the Bond hereunto ſubjoined. And if any of them ſhall refuſe to ſign the Bond, they are, for ſuch refuſall, Declared to incurre the pain and penalty of Two hundred pounds *Sterling*, and impriſonment during the Councils pleaſure: Beſides that, they ſhall be lyable to the ſame pains as if they had ſubſcribed the Bond. And for the encouragement and relief of ſuch Heritors and Magiſtrates, as ſhall give Bond as ſaid is, It is Appointed, that if any Victual ſo imported, ſhall happen to be reſſett in any of the ſaids Shires or Burghs, the Reſſetter ſhall be lyable to relieve the Heritor or Burgh in whoſe bounds the Victual was Livered, off the Fyne they incurred thereby: As alſo, that their Tennents and Inhabitants ſhall alſo ſubſcribe the ſame. And in caſe of their refuſall, their Tacks of their Rooms, if they have any, are declared void, and they, and all ſuch other Tennents or Inhabitants, as have no Tacks, are to be removed from their Poſſeſſions and Dwellings, by ſentence of any Judge ordinar, before whom the refuſall ſhall be proven; Beſides that, they ſhall be lyable as if they had ſubſcribed the Bond, and their perſons to be impriſoned during the pleaſure of His *Majeſties* Privy Council, who are alſo hereby warranted to give Commiſſions and Allowances to fit Perſons to ſeiſe any of the ſaids Veſſels that ſhall be Water-born within the Waters, betwixt the Head of *Kintyre* and *Lochryan*, or within the Weſtern Iſles, or any Port, Loch, Creek or River from *Lochryan* to *Dumfreis*: As alſo, to allow importation of Victual for ſuch time as they ſhall think fit, the price of Victual, within the Kingdom for the time, being at

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eight pounds the Boll of Beir and Meil, and ten pounds Wheat, or above. And laſt, His *Majeſty* Ratifies and Renews all former Laws, and Acts, and Proclamations of Council made againſt Importing of Victual as ſaid is: And Ordains them to be put to Execution, except in ſo far as they are altered by this Act; And Ordains Letters of Horning to paſſe hereupon, in form as effeirs.

The Tenor of the Bond abovementioned.

I *in obedience of, and conform to, the Act of Parliament againſt Importation of Victual from* Ireland, *Do hereby bind and oblidge me, that I, nor my Tennents, nor any other Perſon dwelling upon any Lands belonging to me, ſhall not import nor reſet any Victual from* Ireland. *And if any Victual, ſo imported, ſhall be Livered in any Bounds belonging to me, by any Perſon not living within my bounds, I oblidge me to ſeiſe and detain the Victual, Goods, Veſſels and Perſons therein, if they can be apprehended: And to give ſpeedy notice thereof to His* Majeſties *Council or Exchequer, under the pain of Twelve hundred pounds, as oft as I or they ſhall failzie in any of the premiſſes; To be payed to*

And for the more ſecurity, &c.

The like Bond to be given by the Magiſtrates of the Burrows abovementioned for their Inhabitants.

ACT

IV.

ACT for raiſing of a New Supply of Eight Hundred and Sixty Four Thouſand Pounds Scots, *Offered to His* Majeſty.

Edinburgh, 5 of *July*, 1672.

THE Eſtates of Parliament being ſenſible of the great Obligations lying on them to imbrace every Occaſion whereby they may renew the Expreſſions of their Duty, Loyalty and Gratitude to His *Majeſty*, for the many and conſtant Proofs they have had of His Affection to, and Care of, the Concerns of this His Ancient Kingdom; And conſidering that His *Majeſty* is now engaged in a moſt Juſt and Neceſſary War againſt the States General of the *United Provinces*, They conceive themſelves obliged to take ſuch courſes, and provide ſuch remedies, as may evidence the ſenſe and reſentments this Kingdome hath of His *Majeſties* Honor and Intereſts, as well as what may concern their own ſecurity, againſt all Accidents which either from without or within the Kingdom may fall out upon this occaſion: And therefore They do hereby Declare, that, as the Kingdom of *Scotland* will cheerfully hazard their lives and fortunes in this or any other cauſe wherein His *Majeſties* Safety, Honor or Intereſts may be concern'd; So, in order thereunto, They have ſo ſettled the Militia, as the Forces of the Kingdom may be in readineſs, when ever His *Majeſty* ſhall be pleaſed for thoſe ends to make uſe of them. And conceiving it neceſſary, for the rendering of this Humble Tender of their Duty the more effectual for His *Majeſties* Service, That His *Majeſty* be provided with a ſtock of money toward the encouragement and maintenance of the Forces of the Kingdom, and ſuch other neceſſary occaſions as concern His *Majeſties* Honor, or the publick Peace; They do therefore, with all humble Duty and Cheerfulneſs, for Themſelves, and in name of this Kingdome which They repreſent, Make offer to His *Majeſty* of a New Supply of Eight hundred ſixty four thouſand pounds *Scots*, to be payed and raiſed out of the Land-rent of the Kingdom, according to the preſent Valuations, in the ſame

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maner, and conform to the proportions contained in the Act of the Convention of Estates, for raising of the Supply granted to His *Majesty* in the Year, One thousand six hundred sixty seven, and to be payed in four parts at the Terms following, each fourth part answering to three Moneths Cess; *viz.* Two hundred and sixteen thousand pounds, as being one fourth part thereof, and answering to three Moneths Cess, to be payed at the Term of *Lambas* next to come in this present Year, One thousand six hundred seventy two: Another Two hundred and sixteen thousand pounds, at the Term of *Candlemas*, One thousand six hundred seventy three; And the third Two hundred and sixteen thousand pounds, at the Term of *Lambas*, One thousand six hundred seventy three; And the fourth and last Two hundred and sixteen thousand pounds, to be payed at the Term of *Candlemas*, One thousand six hundred seventy four. Likeas the King's *Majesty*, with Advice and Consent of His Estates of Parliament, Doth hereby Ordain the foresaid summe of Eight hundred sixty four thousand pounds *Scots* to be raised and payed at the Terms of payment particularly abovementioned: And that the Commissioners for the Valuations take care, and be answerable, that the same be accordingly raised and payed in to such as shall be warranted by His *Majesty* to receive the same; And that all maner of diligence and execution contained in the foresaid Act of Convention, One thousand six hundred sixty seven, be made use of for raising of this Supply abovementioned, at the severall Terms of payment thereof, as fully as if the same were expresly repeated in this Act. And as His *Majesty* with Advice foresaid, Ordains that exactness, diligence and execution be used for the speedy bringing in of this Supply as aforesaid; So, for the encouragement of such as shall make due payment as said is, It is also hereby Declared, That no person liable in any part of this Supply, shall be holden to produce their Discharges or Receits of the same after the second of *February*, in the Year One thousand six hundred and eighty one: And farther, the King's *Majesty*, considering that the whole burden of this Supply lieth upon the Land-rent; And conceiving it just, that the personal estates of money should bear some proportion of the Burden, toward the relief of the Land-rent: Doth therefore, with Advice and Consent foresaid, Statute and Ordain, That every Debitor owing money within the Kingdom, shall, for the space of one year, from the Term of *Mertimess*, One thousand six hundred seventy two, to the Term of *Mertimess*, One thousand six hundred seventy three, in the payment of their Annual-rents for that Year, have retention in their own hands of one sixth part thereof, at the payment of the other five parts of the saids Annual-rents due for that Year as said is:

V.

ACT concerning the Priviledges of Burghs Royall.

Edinburgh, 10. of *July*, 1672.

OUr Soveraign Lord, taking into His ſerious Conſideration, how neceſſar it is, for the wealth and welfare of this His ancient Kingdom, that Trade and Commerce be encouraged, both for the Export of the Growth and Manufacture of the Kingdom, and for Import of Forreign Commodities, requiſite for the uſe and ſatisfaction of His People; And for that effect, that the Priviledges of the Royall Burrows granted by His *Majeſty* and His Royall Predeceſſors, may be eſtabliſhed, and cleared from the many Controverſies and Debates that have been thereanent, to the great diſquiet and expences, both of the Royall Burrows themſelves, and other Incorporations and People of the Kingdom: Which Controverſies have ariſen concerning the extent of the Priviledges of the Royall Burrows; and how far the Ratifications thereof granted by His *Majeſty* and His Royall Predeceſſors, and the Eſtates of Parliament, have been derogate and abrogate by contrair Cuſtom, Or by Infeftments and Priviledges granted by His *Majeſty*, and His Royall Progenitors; and ſpecially the 24th Act of the Parliament, holden by His *Majeſties* Royall Father, of happy Memory, in the Year of GOD, 1633. Entituled, *Ratification of the Priviledges of the Royall Burrows*, whereby all Exportation of any Merchandice is prohibited to any Perſon but the Burgeſſes of Royall Burrows, their Factors or Servants; and all Perſons, dwelling out of Burrows, are prohibited to uſe any Merchandice, or to buy Wine, Wax, Silks, Spicery, Wald or ſiklike Stuffs; nor that none pack nor peil without the Kings Burrows, under pain of Eſcheat of the Goods that ſhould be topped, ſold, packed or peiled contrair to that Statute: And giving power to the ſaids Royall Burrows, or their Commiſſioners, to ſearch Unfree-mens Goods, intromet therewith as

Eſcheat

Eſcheat, either within the Countrey or any other part. Which Priviledges ſo extended, were never in uſe, and are highly prejudicial to the comon intereſt and good of the Kingdom, and are, by the ſaid Statute, extended far beyond the ancient Priviledges of Burrows, repeated and confirmed therein; applying the Priviledges granted to Burrows generally to Royall Burrows only, to the prejudice of the Burghs of Regalities and Barony, and extending of the ſale of imported Commodities which could only be underſtood of whole ſale, to the topping and retailing of the ſaids Commodities. And on the other part, the juſt Priviledge of the Royall Burrows have been encroached upon by others, not only by exporting, but by importing of Staple-commodities, without bearing burden with the ſaids Royall Burrows in the publick Taxations and Aids granted to His *Majeſty*. For remeed whereof, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that it is, and ſhall be the Priviledge of Free-men of Royall Burrows, and no other Incorporation or Perſon within this Kingdom, to buy or ſell, in great or whole ſale, Wine, Wax, Silks, Spiceries, Wald and other Materials for Dying; And that no other Incorporation or Perſon within this Kingdom, ſhall have power to import or export the ſame, or to import any other Commodities, except ſuch as are allowed to them by this preſent Act: But prejudice to Noble-men, Prelates, Barons and others, of their Priviledge of importing any of the ſaids Goods, for the proper uſe of themſelves and their families allanerly. Likeas, His *Majeſty*, with conſent foreſaid, Doth hereby Enact and Declare, that it ſhall be leiſom to any of His *Majeſties* good Subjects, or any perſon that ſhall buy from them, to export forth of this Kingdom, by ſea or land, all maner of Corns that are of the Growth of the Kingdome, all maner of Cattel, Nolt, Sheep, and Horſe, Coal, Salt, and Wool, Skins, Hydes, and all other Native Commodities of the Kingdom: And that it ſhall be leiſom to the Burghs of Regality and Barony, by any of their Burgeſſes or Members of Society, to export all their own proper Manufacture, or ſuch Goods as ſhall be bought by them in Fairs or Markets. And that it ſhall be leiſom to the ſaids Burghs of Regality or Barony, or Societies erected or to be erected for Manufacturs, and all others exporting the Native Growth of the Kingdom as aforeſaid, to import, in return of the ſaids Goods exported, or of the Fraught and Hire of the Ships, the Goods and Commodities following; *viz.* Timber, Iron, Tar, Soap, Lint, Lint-ſeed, Hemp, Onions, or other neceſſars for Tillage or Building, or for the uſe of their foreſaid Manufacture: And als, to top and retail all Commodities whatſover. Likeas, His *Majeſty*, with

conſent

conſent of the ſaid Eſtates, Statutes and Ordains, That, if any man, not being Free-man in the Royall Burrows, ſhall be found to have in his poſſeſſion any Goods or Commodities to be bought or ſold, exported or imported by him, contrair to this preſent Statute, and the Priviledge of the Royall Burrows granted thereby; The ſaids whole Goods ſhall be eſcheat, the one half to His *Majeſty*, and the other half to the Burgh-apprehender: And that, if the ſaids Goods be apprehended within any of the ſaids Royall Burrows, or the Sub-urbs or Appendicles belonging to them, or within their Ports or Harbors; The ſamine may be ſummarly ſeiſed and ſecured, as Goods eſcheat in maner foreſaid. But if the ſaids Goods, competent only to Free-men of Royall Burrows, ſhall be found, or alledged to be found, elſewhere; They ſhall only be arreſted and purſued to be declared Eſcheat, to be divided in manner abovewritten, before any competent Judicator, as accords of the Law: And that, upon pretence thereof, the Magiſtrates of Burghs, or others by Commiſſion from them, or any of their Inhabitants, ſhall not ſearch or ſeiſe upon any Goods, or any way trouble or moleſt His *Majeſties* good Subjects, living without the bounds of their ſaids Burghs or Sub-urbs, ſummarly and by way of fact, but only by Legall Proceſs according to Law; upon the pretence of any Priviledge, Cuſtom or Uſage whatſoever, unleſs the Perſons be deprehended in the preſent and actual tranſgreſſion of the Priviledges of the Royall Burrows abovewritten, and that within the bounds of the ſaids Burghs, Sub-urbs and Ports thereof; Under the pain of being proceeded againſt as Commixters of Ryot, and Diſturbers of His *Majeſties* Peace. Likeas, His *Majeſty*, with conſent foreſaid, Caſsis, Annulls and Reſcinds all Acts of Parliament and Ratifications, in ſwa far as they are contrair to this preſent Statute: And Ordains Letters of Horning to be Direct ſummarly at the inſtance of all Royall Burrows, againſt all and whatſoever Perſons who have tranſgreſſed, or ſhall tranſgreſſe the foreſaids Priviledges, as the ſame are Eſtabliſhed and Declared by this preſent Act.

ACT

VI.

ACT discharging second Summonds, &c.

Edinburgh, 10. of *July* 1672.

FOraſmuch as the former Practice and Cuſtome, that Proceſs and Summonds before the Lords of Seſſion, for the moſt part, ſhould be continued, hes been the occaſion of delay of Juſtice, and of great trouble and charges to His *Majeſties* Leiges: By reaſon, that when the Parties, at leaſt the Defenders, did live at a great diſtance from the ſaid Judicatory, after the Purſuer had raiſed the firſt Summonds, and had ſent, and cauſed execute the ſame in remote places of the Kingdom: They were forced to return the ſame to be continued, and, upon an Act of continuation, to raiſe other Summonds, and to ſend the ſame again to the Countrie, and to cauſe execute the ſame in remote places of the Kingdom, for the moſt part by Meſſengers imployed and ſent there of purpoſe; And to return the ſame before there could be any Proceſs in the Cauſe foreſaid. And even when Parties had their reſidence near the ſaid Judicatory, and the Purſuers were concerned, and deſirous, to inſiſt with all poſſible diligence; and to that purpoſe had raiſed Summonds; Yet, if the Vacation-time did interveen, (during which their Summonds could not be continued) their proceſs could not be in readineſs againſt the next enſuing Seſſion; ſo that they were poſtponed by the ſpace of diverſe months, to their great prejudice. And Our Soveraign Lord, being tender, and equally careſull of the Intreſt of His Subjects, both Purſuers and Defenders; And that a remedy may be provided for preventing the ſaid inconvenients and prejudice to the Purſuers; and yet ſuch a one, as the Defenders be not prejudged: Therefore His *Majeſty*, with advice and conſent of his Eſtates of Parliament, Doth Statute and Ordain, that, in all Cauſes and Proceſſes that ſhall be intended hereafter before the Lords of Seſſion, of whatſoever nature the ſamin be; and albeit formerly the Summonds

were in uſe, and ought to have been continued: Yet the Purſuer ſhall not be oblidged to cauſe continue their Summonds, and to take out Acts of Continuation, and to cauſe raiſe and execute Letters and ſecond Summonds thereupon, any Law, Cuſtome, Statute or Act of *Sederunt* to the contrary notwithſtanding, which is hereby Repealed. And becauſe by the Law and Cuſtome formerly obſerved in the Cauſes foreſaid, being oft-times of great importance, a Decreet could not be obtained ſummarly upon a ſingle Citation; which may be, and ſometimes was induſtruouſly, and of purpoſe, ſo conveyed and concealed, that it could not come to the Defenders knowledge: And upon the conſiderations foreſaids, after that the Defenders were cited by the firſt Summonds, they behoved again to be cited, and in ſome caſes, not by Sheriffs in that part, but by Meſſengers at Arms, and with, and under other and higher certifications then were contained in the firſt Summonds. And ſeing it is juſt, and it is His *Majeſties* intention that they ſhould not be prejudged of the benefit and means foreſaid, whereby they may be the better certiorate, and have time to deliberate, and prepare themſelves for their defence: It is therefore Ordained by His *Majeſty*, with conſent foreſaid, That all Summonds before the Lords of Seſſion, which before were in uſe, and ought to have been continued, ſhall contain two ſeverall Warrants for citing the Defenders at two ſeverall times, and to two diſtinct diets and dayes of Compearance; And that the ſaid Summonds be directed to Sheriffs in that part, and Meſſengers *reſpectivè*; and that, by the firſt Warrant to be inſert in the ſaid Summonds, ſuch perſons, as might, and were in uſe, to have executed the firſt Summonds, be warranted to give the firſt citation upon the ſame time, and with the ſame certifications as formerly were and ought to have been in citations upon the firſt Summonds: And by the ſecond Warrant, Meſſengers at Arms, or ſuch other perſons as formerly were and ought to have been imployed to execute Letters or ſecond Summonds, when they were apart, and upon Acts of Continuation; ſhall be warranted, and commanded to give the ſecond Citation, after the paſſing and elapſing of all the time contained in the Warrant for the firſt Citation: And the ſaid ſecond Citation ſhall be upon the ſame time, and with the ſame certifications that were uſuall in ſecond Summonds, and in the Acts whereupon the ſame proceeded, according to the ſeverall ſtiles, conception and nature thereof *reſpectivè*. And it is Declared, That upon all Summonds againſt Parties, either within or without the Countrey, containing the ſaid Warrant for two Citations, being execute as ſaid is, and no otherwiſe; Proceſs ſhall be granted in all Cauſes which before did abide Continuation, in the ſame manner,

ner, and with the ſame effects, to all intents and purpoſes, as were granted upon Summonds, Acts of Continuation and Letters: And in all other Proceſſes and Cauſes, which did not require Continuation, It is Declared, that the Summonds ſhall be libelled, and Proceſs ſhall be granted thereupon as before, and in the ſame manner, without any change or alteration. And it is further Statute and Ordained, that, in time coming, all Executions of Summonds ſhall bear expreſly the names and deſignations of the Parties Purſuers and Defenders: And that it ſhall not be ſufficient that the ſame do relate generally to the Summonds, otherwiſe the Execution ſhall not be ſuſtained.

VII.

ACT concerning Writs paſſing the Great and Privy Seals.

Edinburgh, 12. of *July*, 1672.

THE Kings *Majeſty*, conſidering how much His own Service and the Intereſts of His Subjects is prejudged, by the neglect of Regiſtrating theſe Charters, Infeftments, Gifts, Commiſſions and other Writs, which do paſs, and are written to, the Great and Privy Seals; Doth, for remeeding and preventing of this evill for the time to come, with Advice of His Eſtates of Parliament, Statute and Ordain, that all Charters, Infeftments, Commiſſions, Gifts and other Writs which hereafter ſhall paſs under the Great and Privy Seals, ſhall be Regiſtrat in the Regiſters of the Great and Privy Seals *reſpectivè*, before the Seal be appended to them: And the Writers to theſe Seals, who keep the Regiſters thereof, are hereby Ordained to Regiſtrat every Writ paſſing their Office, and, by their ſubſcription, to mark the ſame on the back thereof, to be written and Regiſtrat by them, before they give them out to be ſealed; andthat they make, and keep a perfect Minut-book, containing the Names, Surnames and Deſignations of the Perſons in whoſe favours the Charters and other Writs are granted, with the Names of the Lands and ſpeciall matters therein contained: And the keepers of theſe Seals are hereby Diſcharged to append the Seals to any Writs which are not ſo marked and atteſted to be Regiſtrat,

Registrat, as they will be answerable. And his *Majesties* further considering, that the Writing of Precepts of Seasing, to passe under the Quarter Seal, is a great and unnecessary trouble to His Subjects, and may be aswell, and with lesse trouble supplied, if the Precept of Seasing were insert in the Charter; Doth therefore, with advice foresaid, Suppresse, and for ever Discharge, the Passing or Writing of any Precepts of Seasing to, or under the Quarter Seal: And Ordains, that, in lieu thereof, every Charter shall, towards the end, contain a Precept of Seasing of all the Lands and others contained therein; which shall be als sufficient for taking of Seasings, as if the same were past under the Quarter Seal as said is. Likeas, His *Majesty* understanding the great trouble and inconveniences occasioned by the Writing of long Charters and other Writs, which passe the Seals aforesaid, in one broad parchment, of so great length and largenesse, that they can hardly be read: Doth, for remeid thereof, with advice foresaid Statute and Ordain, that it shall be free to any person, who hath any Charter or Writ to be written for the Great or Privy Seals, to choise whether to have the same written in a broad skin of parchment as formerly, or to have them written by way of book in leaves of parchment, about the breadth of an ordinary sheet of peper; and accordingly, the Writers to the Great and Privy Seals, are hereby Ordained to write and expede the same: And, if they shall be written in the way of a book, that each page be signed and marked by them as said is. Which being done, the respective Seals are to be appended thereto in manner following: *viz.* To such as shall be written on a skin of parchment in the ordinary way, that the Seals be appended as formerly: And to these which shall be written in the book way, That the Seals shall be appended upon a Tye or Band, which is to go thorow all the leaves in the Margin. And that for doing hereof, this shall be a sufficient warrand to all persons concerned.

ACT:

VIII.

ACT concerning Arreſtments uſed within Burghs.

Edinburgh, 12. of *July*, 1672.

OUr Soveraign Lord conſidering, That the Burrows Royall have been in uſe to arreſt Strangers, who live without their reſpective Burghs, for all Debts due by them to any of the Inhabitants Burgeſſes of the ſaid Royall Burrows, any maner of way, without diſtinction; Do daily force them to find Caution to compear before the Town-Courts, or otherwiſe go to Priſon, to the great hurt and prejudice of the Leiges, who, being Strangers, and not able to find Caution within Burgh, are oftentimes ſummarly incarcerat, without any juſt cauſe, to their great dammage, expenſes, and diſgrace. For remeid whereof, His *Majeſtie*, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that, in time coming, no Burgeſs nor other Inhabitant of any Royall Burgh ſhall have power, or be permitted, to arreſt any of His *Majeſties* Subjects of this Kingdom, who live outwith the Burgh, or force them to find Caution, or impriſon them as ſaid is, for any debt whatſoever; Except allanerly for Horſe-meat or Mans meat, Abuilzements or other Merchandice due by Strangers to Burgeſſes: For which they have no other ſecurity but their own Compt-books; and for which the ſaid Priviledge of Arreſtment ſhall only be competent to the Merchant, Innkeeper or Stabler *reſpectivè* from whom the ſamin was gotten, and to whom it was originally addebted: So that, in caſe the ſamine be aſſigned to any other Burgeſs, the Aſſignee ſhall not have the benefit of that Priviledge. And ſiklike, if Strangers have given Band or other ſecurity, for the Mans meat, Horſe-meat, Abuilzements or other Merchandice, The Merchant, Innkeeper or Stabler *reſpectivè* ſhall not have the benefit of the foreſaid Priviledge; but ſhall be left to purſue for their reſpective Debts before the Judge Ordinar as accords. And in regard that Burghs of Regality and Barony do aſſume the ſame Priviledge; Therefore His *Majeſty*, with advice foreſaid, Inhibits and Diſcharges the Magiſtrates of theſe Burghs to Arreſt or Incarcerat

any persons who are not Burgesses Inhabitants in their Burgh, for any maner of Debt: And it is hereby Declared, that, if any Magistrate of any Burgh shall presume to do in the contrair hereof, They shall be punished for wrongous Imprisonment of His *Majesties* Leiges.

IX.

ACT against Unlawfull Ordinations.

Edinburgh, 24. of *July*, 1672.

OUr Soveraign Lord considering, That the true and regular way of Ordination to the holy Calling and Imployment of the Ministry is of great and necessary Importance, to the Constitution, Peace and Unity of this Church, and for preserving the Reverence and Interest of the Reformed Religion professed in it; and for the preventing of the growth of scandalous Schism and Confusion arising from various and different Ordinations: Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that no person or persons whatsoever presume to Appoint or Ordain any person to the Office and Work of the Ministry, except these who have Authority approven by the Laws of the Kingdom for that effect, and that no person take Ordination from any, but such as are thus lawfully Authorized to give the same: Declaring hereby, all pretended Ordinations of any persons, since the Year, 1661. which have not been, or hereafter shall not be, according to the Appointment of the Law, to be null and invalid; And all persons who, since the said Year, have received pretended Ordination, or shall receive the same any other maner of way than as is settled by Law, to be no Ministers. And His *Majesty*, with advice foresaid, Statutes and Ordains, that both the pretended Ordainers, and these who shall pretend to have received Ordination, be seised upon by the Sheriff or other ordinar Magistrat of the place, and committed to prison, untill they be dilated to the Lords of the Privy Council; Who are hereby Authorized and Ordained, after triall, and finding the saids persons guilty,

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to ſentence them by Confiſcation of all their moveable Goods, and baniſhing them, and to cauſe them find Caution not to return to His *Majeſties* Dominions. And in caſe they ſhall refuſe to find Caution, or, being baniſhed, ſhall afterward return to this Kingdom, that they ſhall ſuffer perpetual impriſonment, and not to be releaſed, except by a Warrand under His *Majeſties* own Hand. And farther, it is hereby Statute and Declared, that whoſoever ſhall be married within this Kingdom by the foreſaids perſons, or by any other perſon not lawfully Authorized, They ſhall amit and loſe any right or intereſt they may have by that Marriage, *jure Mariti vel jure Relictæ*, and that by and attour the pains and penalties provided by the Act of Parliament in *Anno* 1661. againſt diſorderly and clandeſtine Marriages: Which Act is hereby Ratified and Renewed.

X.

ACT concerning Apparell.

Edinburgh, 26. of *July*, 1672.

OUr Soveraign Lord conſidering the great prejudice which this Kingdom doth ſuſtain by the ſumptuouſneſs and prodigality which all ſorts of Perſons uſe in their Apparell, without regard to, or diſtinction of, their ſeverall degrees and qualities; conſiderable ſummes of money being, upon that occaſion, unneceſſarly exported out of the Kingdom, and the Native Commodities and Manufactories thereof being thereby neglected, and not improven for the uſe and advantage of the Inhabitants: For remeid whereof, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that none of His *Majeſties* Subjects of this Kingdom, of whatſoever degree, condition or quality, ſhall, after the firſt day of *June*, One thouſand ſix hundred threeſcore thirteen Years, wear any Clothes or Apparell wherein there is any Gold or Silver; or wear any Gold or Silver Laces of whatſoever kind,

kind, Buttons, Ribbands, Tracings, Fringes or Louping made of Gold or Silver; Or have any Imbroidering of Gold or Silver upon their Apparell, Sword-belts or any other manner of way: Excepting alwayes Buttons, Buckles and Hilts of Swords of Gold-ſmith-work, which the Privileged Perſons after-expreſt are allowed to wear, and no others: And that none wear any Flowred Stuffs, Stripped Stuffs, or Brocado's of Silk, or have any Silk-lace, Gimp-lace, or any other kind of Lace or Imbroidering of Silk upon their wearing Clothes: And that no perſon preſume to import into this Kingdom, or make, or ſell therein any of the Commodities above-expreſt after the date hereof; Certifying ſuch as ſhall contraveen, that they ſhall be lyable in the pains following, *viz.* The Importer, Maker and Seller, ſhall be fyned in One thouſand pounds *Scots*, by and attour the Confiſcation of the Goods ſo imported, made or ſold: And the Wearer thereof in Five hundred merks *Scots*, *toties quoties*, by and attour the Confiſcation of the Clothes. And it is hereby Declared, that the Importer of ſuch prohibited Goods ſhall not have Action, for the price thereof, againſt the Merchant, for whoſe uſe the ſame were imported; Nor the Seller thereof againſt the Buyer, albeit Bands be given for the ſame, if it can be made appear that the Bands were given for that cauſe: Excepting alwayes from this preſent Act, Comedians, as to the Clothes which they make uſe of upon the Stage; Heraulds, as to their Coats, and His *Majeſties* Trumpetters; And alſo excepting Pages and Lacqueys of the priviledged Perſons afternamed, as to Silk-laces and Paſments allanerly, which they are hereby allowed to wear upon their Livery-clothes. And His *Majeſty*, with advice foreſaid, Doth Statute and Ordain, that none of His Subjects ſhall, after the firſt of *June* next, wear any Clothing or Apparell of Velvet, Sattin or other Stuffs of Silk, or wear any Beaver-hats, under the pain of Five hundred merks, to be payed by the Controveener, *toties quoties*: Except Noblemen, Prelates, His *Majeſties* Counſellors, Lords of Seſſion, and ſuch Barons, Knights, or Gentlemen, who have of yearly valued Rent Two thouſand pounds *Scots* money; And the Provoſts of the principall Burrows within this Kingdom; Or theſe that have been Provoſts, and ſuch alſo as ſhall be for the time, or have been Provoſts, Baillies, Dean of Gild or Theſaurer within the Town of *Edinburgh*: Excepting alſo Rectors of Univerſities, and the Wives of the ſaids Priviledged Perſons, their eldeſt Sons and eldeſt Daughters unmarried, and all the Children of Noblemen. And that none wear any Ribbands or Louping of Silk upon their Apparell, or any white Lace, or Point made of Threed, under the pain of Five hundred merks *Scots toties quoties*; Excepting the Priviledged Perſons aforeſaid, who are hereby allowed

lowed to wear plain Taffety-ribbands upon their Apparell, and to wear white Lace or Point made of Threed upon their Linnings only. And all Persons whatsoever are hereby prohibited to wear Feathers, except Souldiers, under the pain aforesaid: But prejudice alwayes to all ranks of Persons (except those of the Yeomanry) to wear plain Taffety-ribbands upon such parts of their Apparell where they may have occasion of the same for Tyes; and to Women to wear Hoods and Skarfs of Taffety: And but prejudice to domestick servants to wear their Masters or Mistresses old Clothes, allowed to them by this Act. And for the better effectuating hereof, His *Majesty*, with advice foresaid, Ordains all Collectors of Assessment and Excise, and their Sub-collectors, Farmorers and Collectors of Customes, and Waiters in Burgh or Land, at every Term to give up, upon Oath, to the Commissioners of Excise in the severall Shires and Burghs, and to the Generall Collectors of the Customes and Excise, Lists of all those whom they have seen and observed to transgress this Act: And it is hereby Declared, that the one half of the penalties aforesaid shall belong to themselves, and the other half shall be collected by them for His *Majesties* use; Triall being first taken, and the Persons found guilty, by the Commissioners of Assessment or Excise, Justices of Peace, or other ordinary Magistrate of the places: And such Contravenors as they shall not give information of, that the one half of their Fynes shall belong to any other person who shall discover them. And in case the said Collectors of Assessment and Excise, Farmorers and Collectors of Customs, or Waiters, shall failzie to give up the said Lists as aforesaid. They shall thereby lose their places, and be incapable of that Service for ever. It is alwayes provided, that no persons contravening this Act, shall be liable to the saids penalties, unless their names be given up within the space of three months after their incurring thereof: But prejudice alwayes to any other person, who shall discover the Contravenors in maner foresaid, of the one half of the penalties, whensoever they shall discover them. Likeas, the Commissioners of His *Majesties* Justiciary are hereby required to give Order, at their Circuit Courts, to take up Dittays against the Transgressors of this Act; and to proceed against them, by fyning them in the summs abovementioned, and to exact the same. Likeas, His *Majesty*, with advice foresaid, Doth hereby Authorize and Impower the Lords of His Privy Council to take such further courses, for making this Act effectual, as They shall think fit.

XI.

ACT against such who do not Baptize their Children.

Edinburgh, 16. of *August*, 1672.

THe Kings *Majesty*, considering that diverse disaffected persons in this Kingdom, being unwilling to have their Children Baptized in an orderly way, do either delay to baptize them, or pretend that they are not baptized; thinking thereby to escape the punishment which, by former Acts of Parliament, is appointed to be inflicted upon such as are guilty of disorderly Baptizing: Doth therefore, with advice and consent of His Estates in Parliament, Statute and Declare, that such Parents, who shall hereafter keep their Children unbaptized for the space of thirty dayes together, or shall not produce a Testificat under the hand of the Minister of the Parish, bearing that the Children were Baptized within the said space, shall incurre, and be lyable to, the pains and penalties following; *viz.* Every Heritor, Liverenter, or proper Wod-setter, shall be fyned in a fourth part of his valued yearly Rent; Every person, above the degree of a Tennent, having a personall, but no reall Estate, in One hundred pounds *Scots*; Every considerable Merchant, in an hundred pounds; Every inferior Merchant, or considerable Tradesman, and every Tennent labouring Land, in fifty pounds; Every meaner Burgess, Tradesman, Inhabitant within Burgh, and every Cottar, in twenty pounds *Scots*; and every Servant in half a years Fee, And it is hereby Declared, that, where Kirks are Vacant, the Parents shall, within the said space of thirty dayes, be obliged to go to the next adjacent Parish Kirk which is Planted, and obtain their Children Baptized there, under the foresaid penalties. And His *Majesty*, with advice foresaid, Requires the Sheriffs, Stewarts, Lords of Regalities, and their Deputs, and Magistrates of Burghs Royall, within their respective bounds, to put this Act in execution, by calling before them, and judging the Contraveeners, and uplifting the Fynes abovementioned: And for

their

their encouragement; They are hereby allowed to retain the Fynes of all the ſaids perſons for their own uſe; except theſe of Heritors, for which they are to be comptable to the Commiſſioners of His *Majeſties* Theſaurary.

XII.

ACT for an Anniverſary Thanksgiving.

Edinburgh, 21. of *Auguſt*, 1672.

THE Eſtates of Parliament, conſidering the great Bleſſing of Almighty God, in reſtoring His *Majeſty* to the Throne of His Royall Anceſtors; and thereby liberating theſe Kingdoms from the thraldom and bondage under which they did ſo long groan; In acknowledgment of Their Thankfulneſs to God, and of Their Duty and Loyalty to His *Majeſty*, and that the memory of ſo great a Mercy may never fall in oblivion or neglect: Do humbly offer to His *Majeſty*, that the Anniverſary Solemnity be yearly and perpetually kept by all the People of this Kingdom, upon the 29th of *May*, being the Day of His *Majeſties* Birth and Reſtauration. Therefore His *Majeſty*, with conſent of the Eſtates of Parliament, Statutes and Ordains, that the Anniverſary Solemnity, for His *Majeſties* happy Birth and Reſtauration, ſhall, in all time coming, be kept upon the 29th day of *May* yearly; and that ringing of Bells, throughout the whole Kingdom, and other Evidences of Joy, be obſerved the ſaid whole Day, with Bonefires at night; And that all Miniſters within the Kingdom ſhall Preach yearly upon the ſaid 29th of *May*, that they, with the People, may give thanks to God Almighty, for His ſo ſignall Goodneſs to theſe Kingdoms. Certifying, that whoſoever ſhall fail in obſerving this preſent Act, they ſhall be fyned, and otherwiſe puniſhed, by His *Majeſties* Privy Councill, and other Judges ordinar, according to their condition and eſtate. And His *Majeſty*, with advice foreſaid, Declares, that this preſent Act ſhall be the Rule and Warrant for the ſaid Anniverſary, in all time coming.

XIII.

ACT for the Ann due to the Executors of Bishops and Ministers.

Edinburgh, 23. of *August*, 1672.

THe Kings *Majesty*, judging it necessary, for the good of the Church, that such a stated and equall course be taken for clearing and securing the Ann due to the Executors of deceast Bishops, Beneficed Persons and Stipendiary Ministers, as may be suitable to the Interest of the Executors, and no discouragement or hinderance to the Planting of the Vacant Benefices: Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that, in all such cases hereafter, the Ann shall be an half years Rent of the Benefice or Stipend over and above what is due to the Defunct for his Incumbency; Which is now settled to be thus, *viz.* If the Incumbent survive *Whitsunday*, there shall belong to them for their Incumbency, the half of that Years Stipend or Benefice, and for the Ann the other half: And if the Incumbent survive *Michaelmass*, he shall have right to that whole Years Rent for his Incumbency; and for his Ann, shall have the half Years Rent of the following Year: And that the Executors shall have right hereto, without necessity or expences of a Confirmation.

XIV.

ACT for the Retouring of Taxt-Marriages.

Edinburgh, 23. of *Auguſt*, 1672.

THe Kings *Majeſty* and the Eſtates of Parliament, taking to their conſideration the great prejudice His *Majeſty* ſuſtains by the ſeverall Services of Heirs, holding Land of His *Majeſty*, Waird, Taxt or Few with the Marriage; And the Retour making no mention of the Taxt of the Marriage, His *Majeſty* is oft-times fruſtrate of His Caſuality of the Marriage: For preventing whereof, It is Statute and Ordained, that the Inqueſt upon each Service of Heirs, holding Lands Waird, Taxt or Few with the Marriage, ſhall hereafter take tryall what is the Taxt for the Marriage, and of the Few *cum Maritagio*, if it be Taxt; and return the ſame to the Chancellary, to be inſert in the Precept.

XV.

Commiſſion for Plantation of Kirks, and Valuation of Teinds.

Edinburgh, 28. of *Auguſt*, 1672.

FOraſmuch as His *Majeſties* Father, of ever-bleſſed Memory, out of His Royall Care and Zeal for the Reformed Religion within this Kingdom, and the maintenance and proviſion of the Miniſtry and Churches thereof, and the Peace of the Kingdom, and for preventing, and ſettling all Queſtions and Differences that did, or might ariſe betwixt Titulars and others having right to Teinds, and Heritors, concerning the leading and drawing of their Teinds; Did, immediately after His attaining and ſucceeding to the Crown, Give forth and emit His Royall Declaration anent the premiſſes, and the other particulars therein mentioned. And in purſuance of the ends foreſaids, diverſe

Laws and Acts of Parliament were made in the Year of our Lord, 1633. His said *Majesty* being present in His Royall Person; and since, diverse Acts of Parliament and Commissions have been, from time to time, Made, Given and Renewed to that purpose: And yet, by reason of the unhappy Troubles and Distractions of the late Times, that good and necessary Work neither is, nor could be throughly and fully accomplished. And, His *Majesty* being resolved, and desirous to prosecute so good a Work, for the universall Good of His Subjects, and specially for the encouragement of the Ministers of the Gospel: Therefore His *Majesty*, with advice and consent foresaid, Gives full Power and Commission to His *Majesties* Officers of Estate for the time being; And to the Arch-Bishop of *St. Andrews*, the Arch-Bishop of *Glasgow*, the Bishop of *Edinburgh*, the Bishop of *Dunkeldin*, the Bishop of *Galloway*, the Bishop of the *Isles*, the Bishop of *Breichin*, the Bishop of *Dumblane*, and the Bishop of *Aberdene*, for the Clergy; The Duke of *Hamilton*, the Earl of *Argyl*, the Earl of *Athol*, the Earl of *Linlithgow*, the Earl of *Queensberry*, the Earl of *Tweedale*, the Earl of *Kincardin*, the Earl of *Dundonnald*, and the Lord *Elphingstoun*, for the Nobility; The President of the Session, the Lord *Colingtoun*, the Lord *Gosford*, the Lord *Craigie*, the Laird of *Niddrie*, the Laird of *Nicolson*, the Laird of *Balcaskie*, Sir *Charles Erskin* of *Cambo*, and Sir *William Lockhart*, for the Barons; Sir *Andrew Ramsay*, Sir *William Thomson*, Sir *William Sharp*, Sir *Alexander Bruce*, *John Murray*, Tutor of *Stormonth*, *Robert Milne*, *Thomas Calderwood*, *William Binning*, and *John Johnstoun* of *Poltoun*, for the Burgesses; Or any eleven of them, whereof two of the Clergy, two of the Nobility, two Officers of Estate, and two Commissioners of Shires, & two of Burghs; Of which number, the Arch-Bishop of *St. Andrews*, or the Lord Chancellor, or one of the Commissioners of the Thesaurary, or the Arch-Bishop of *Glasgow*, or the Lord Privy Seal, or the Lord Secretary, or the Duke of *Hamilton*, or the Earl of *Tweedale*, being alwayes one, To meet and conveen at *Edinburgh*, the day of Years; And at such other place or places, times or diets as They shall appoint, To value, and cause be valued, whatsoever Teinds great or small, Personage or Vicarage, within this Kingdom, which are yet unvalued: Declaring, that where the Vicarage of any Parish is a severall Benefice and Title from the Parsonage, the same shall be severally valued, to the effect the Titulars, or Ministers serving the Cure, having right to the said Vicarage, be not frustrated of the true worth thereof. With power to the saids Commissioners, or *Quorum* foresaid, to appoint Committees, or Sub-committees of their own number, and to grant Sub-commissions, and to receive reports from them, and to approve

prove or disapprove the same, as they shall find just; and to rectifie whatsoever Valuations led or to be led, to the enorm prejudice of the Titulars, or the hurt and detriment of the Kirk, and prejudice of the Ministers maintenance and provisions. Provided alwayes, Likeas it is hereby expresly provided, that, where Valuations are lawfully led against all parties having interest, and allowed by former Commissions; The same shall not be drawn in question, nor rectified, upon pretence of enorm lesion, at the instance of the Minister (not being Titular) or at the instance of His *Majesties* Advocat, in respect of His *Majesties* Annuity; Except it can be proven, that colusion was used betwixt the Titulars and Heritors, or betwixt the Procurator Fiscal and Heritors and Titulars: Which colusion is declared to be, when the Valuations are led with the diminution of the third part of the just Rent: which diminution shall be proven by the parties oath: And with power to the saids Commissioners, or *Quorum* foresaid, where Ministers are not already sufficiently provided, or have not Localities assigned to them for their Stipends, out of the Teinds within the Parish where they serve the Cure, in so far as the samin will amount to, according to the quantities, proportions and rules contained in the nineteenth Act of the Parliament in *Anno*, 1633. To modifie, settle and appoint constant locall Stipends to ilk Minister, out of the Teinds of the Parish where they serve the Cure. With power also, to grant recompence, by prorogation of Tacks to parties, for the augmentation of Stipends, which shall be imposed suteable to the said augmentation, as the saids Commissioners shall think just. And siklike, with power to disjoin too large and spacious Parishes, to cause erect and build new Churches, to dismember and annex Kirks, as they shall think convenient. And to take order, that every Heritor and Live-renter shall have the leading and buying of their own Teinds, if they be willing, according to the rules prescribed by the nineteenth Act and Commission granted by His *Majesty*, with consent of the Estates of Parliament in *Anno*, 1633. and the Acts of Parliament therein mentioned. With power to determine all Questions concerning the prices of Teinds betwixt Titulars and others having right thereto, and the Heritors: and to appoint such securities, in favours of the Titulars and others having right to the Teinds, for the prices to be granted to the Heritors or others lyable in payment of the valued Duties, or Buyers of the saids Teinds; and in favours of the Ministers, as to their maintenance, as the saids Commissioners shall think fitting, according to the Rules set down in the said Act in *Anno*, 1633. And the Heritors to have liberty to buy the Teinds of their Lands which are not valued, within the space of three years after the date of this Act: With this Declaration alwayes, that,

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in case the impediment, during the time foresaid, flow from the Titular, by reason of his minority or other inability; in that case the Heritor, who offered to buy his own Teind within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, notwithstanding of the expyring of the years and space above-expreſt. And it is Declared, that, if the Heritor be Minor, and his Tutors neglect the buying of his Teinds within the foresaid space; The Minor shall have action for two years after his minority, to compell the Titular to sell his saids Teinds: And generally with power to the saids Commissioners to decide and determine in all other points which may concern the leading and drawing the Teinds, the selling or buying of the same, or payment of the rates thereof, contained in the former Acts of Parliament, or set down in the generall determination given out by His *Majesties* Royall Father, of blessed Memory. And if any person or persons shall find themselves grieved, and complain of the injustice or exorbitancy of any Decreets and Sentences given in any of the Commissions during the late Troubles; with power to the saids Commissioners to take the same to their consideration, and to alter, annull or allow the saids Decreets and Sentences, as they shall find just. And it is alwayes Provided and Declared, that Arch-Bishops and Bishops, and other Beneficed Persons, being Ministers, and their Successors, shall not be prejudged of the Rents whereof their Predecessors were in actuall and reall possession; and which, by the Laws of the Kingdom, were due to them in *Anno*, 1637. And that they shall be no farther bound, but according to the provisions and conditions expreſt in the Submissions made by the Bishops to His *Majesties* Royall Father, of blessed Memory; which is of the date the day of 1628. Years, and Registrate in the Books of Commission for Surrenders and Teinds, upon the 15. day of *July*, 1631. And whereas it may fall out, that some of the saids Commissioners may be unable to attend the Service, through death, sickness or other known impediment: Therefore His *Majesty* Declares, that He shall be carefull to fill their places with other Persons qualified, whose Oaths, for faithfull discharge of the same, shall be taken by the Chancellor, or, in his absence, by the President of the Commission for the time; And Ordains this present Commission to endure ay and while the same be discharged by His *Majesty*, and the Acts, Decreets and Sentences thereof to have the force, strength and effect of a Decreet and Sentence of Parliament; and the Lords of Session to grant Letters of Horning, Poinding and others requisite in maner contained in the foresaids Commissions. And His *Majesty*, with consent foresaid, hereby Discharges all former Commissions, Declaring the same to be expyred.

XVI.

ACT concerning the Regulation of the Judicatories.

Edinburgh, the 30. of *Auguſt*, 1672.

THE Kings *Majeſty* being deſirous, that the publick Judicatories of this Kingdom might be ſo regulat, that all abuſes which had, or might probably creep into the ſame, be redreſſed and prevented; and that the beſt, moſt ſummar and equal way, of bringing and calling of Proceſſes for diſpenſing of Juſtice, ſhould be ſettled, as his Subjects might be relieved and ſecured againſt oppreſſion and exactions, and that Juſtice might be adminiſtrat to them with expedition, and as little trouble and charge as may be: Did, by a Commiſſion under the Great Seal, of the 21. of *September*, 1669. Authorize ſome Noblemen and others of his Privy Council and Seſſion, to conſult, ſettle and ſet down ſuch Rules and Orders as they ſhould judge neceſſary for theſe ends, and to return an account of their proceedings to His *Majeſty*, that He might take ſuch courſe therein, as in His Royal Wiſdom He ſhould think fit. In obedience whereunto, the Commiſſioners having had ſeveral meetings, and conſulted on the beſt and readieſt wayes, for the proſecution of His *Majeſties* Royal Intention, for the good and eaſe of His Subjects, and finding the ſame to be of ſuch importance, as required a longer t ime to make a full ſettlement therein; Yet, in the moneth of *March*, 1670. they agreed unto, condeſcended upon, and did return to His *Majeſty*, certain Rules and Articles of Regulation, without prejudice of what, upon furder conſideration, they ſhould thereafter offer for a full ſettlement. And His *Majeſty* having conſidered theſe Rules and Articles, did, by His Royal Allowance of the fourth of *June*, 1670. Ratifie and Approve the ſame, and did Ordain them to be duly obſerved in all time coming. And the Commiſſioners having ſince that time, keeped ſeveral Meetings, and taken that Affair into their furder conſideration, have reſolved upon ſome other Articles, Rules and Amendments; which being joyned with the former, and again offered to His *Majeſties* conſideration, His *Majeſty* doth, with Advice and Conſent of His Eſtates of Parliament, Ratifie and Approve the ſame, and Ordains them to be recorded in the Books of Parliament, and duly obſerved by all His *Majeſties* Subjects. Of the which Articles, the Tenor follows.

X

Concerning the SESSION.

I.
Eing a great part of the trouble and expences of the Lieges, in obtaining of Juſtice in their Cauſes, is occaſioned through the uncertainty of their attendence, upon Proceſſes depending before the Lords of Seſſion; whereby not knowing any certain time, at or about which their Proceſſes will be called, they are neceſſitat to wait on the moſt part of the time of the Seſſion, during the dependence of their Proceſſes, or otherwayes to be abſent when the ſame are diſcuſſed. That therefore, all Proceſſes ſhall be diſcuſſed and determined as the Parties are in readineſs, and do call for Juſtice after the ſame have been ſeen by the Defenders Advocats, and are returned by them; And that according to the date of the Returns which are ſet down, and ſigned by the Defenders Advocat upon the Proceſs it ſelf, that no Parties be preferred in obtaining Juſtice to any other who was ready, and calling for it before. And that Books of Enrollment be made for enrolling the ſaid Proceſſes, according to the dates of the Returns; that thereby notice may be timeouſly given to all Parties having Intereſt in the Proceſs, how far the Lords of Seſſion are advanced, in diſcuſſing and determining Proceſſes according to the ſaids Rolls, that the Parties may be preſent when their Proceſſes will fall in to be diſcuſs'd and determined, in their courſe as they ſtand in the Rolls; and may in the mean time reſt quiet and ſecure, that their Rights and Intereſts will not be decided when they cannot know to be preſent, which cannot be attained, unleſſe all priviledges whereby any Cauſe can be called, otherwiſe then according to its due courſe in the ſaids Rolls, be laid aſide; Excepting only the Cauſes belonging properly to the Kings *Majeſty* (and not to Donators or others) which may be called at any time when His *Majeſties* Advocat pleaſeth, upon either of the two next *Sederunt*-dayes after the Proceſſe is returned; or if the ſame be not called on either of the ſaids two dayes, at any time thereafter, upon fifteen dayes advertiſement to the Defenders Advocats, that they may acquaint their Clients to be preſent.

2. That the Books of Enrollment for the Outer-houſe be kept and made up by the perſon appointed, or to be appointed by

by the Lords of Seſſion, who ſhall attend at the Seſſion-houſe each Saturday in Seſſion-time, from two a clock in the afternoon, till four, and ſhall take up a Note of all Proceſſes ſhown to him, containing the names and deſignations of the Purſuers and Defenders, and the name of the Cauſe, whether it be Advocation, Suſpenſion, Declarator, Reduction, or any other having a ſpecial name; otherwiſe under the name of Lybell'd Summons, and contain the date of the return, ſigned by the Defenders Advocats upon the Proceſs; and by the ſaid Note, ſhall inſert in the Books all that is produced that day, in manner following, *viz.* in one Book Suſpenſions, Advocations, Removings, Ejections and Recent-ſpuilzies: And in the other Book, all other Cauſes, according to the dates of the Returns, expreſſing in the Books, the day of the moneth of the up-taking, before the Cauſes taken up that day, and alſo expreſſing the day of the moneth of the return, before the Cauſes returned each day, and ſhall interline nor inſert no Cauſe in the ſaid Books, but ſet them down in order as they were preſented, according to the date of their returns; and ſhall receive for inſerting of the ſaids Cauſes in the Books, and for affixing Rolls upon the Wall conform to the ſaid Books, for every Proceſs four ſhillings *Scots*, and no more, although the ſaid Proceſs ſhould continue to be Enrolled ſeveral weeks, untill the Ordinary have called and heard the ſame; which Books of Enrollment ſhall alwayes remain in the Seſſion-houſe, and be patent to the Lieges, that thence advertiſements may be given to all parties having intereſt; and for ſhewing whereof, the Keeper of the Books ſhall exact or take no money or gratification.

3. That the Keeper of the Books of Enrollment for the Outer-houſe, take out of theſe Books, and affix each Monday upon the ordinary place of the Wall of the Outer-houſe, two Rolls, one containing Suſpenſions, Advocations, Removings, Ejections and Recent-ſpuilzies, to be called upon Tueſday and Wedneſday; And the other Roll containing the Cauſes inſert in the other Book of Enrollment, to be called upon the reſt of the dayes of the week; which Rolls are to be taken up in all things conform to the ſaid Books of Enrollment, expreſſing the day of up-taking; and that the day of the moneth of the ſeveral Returns, be ſet before the Proceſſes inſert each day, and each ſubſequent weeks Roll ſhall, in the firſt place, contain what remained undiſcuſs'd by an Act, Decreet, or Proteſtation, or not delet by the Ordinary, upon the Purſuers not inſiſting. And where Proceſſes are delayed to a day, till the Parties ſee, or ſomething be produced or done, which requires not an extracted Act, the ſame ſhall remain in all ſubſequent Rolls, in the ſame day that it was in the firſt Roll; that after the day to which it was delayed, it may be called by the Ordinary till it be diſcuſs'd or delet: And for that

effect, the Ordinary ſhall on the Margent of the Roll, mark at that Proceſs, to what day it is delayed, which ſhall remain ſo marked in the ſubſequent Rolls, till the Cauſe be diſcuſſed. And in caſe the Ordinary ſhall diſcuſſe the Roll of the Cauſes above-expreſt, appointed to be called upon Tueſday or Wedneſday before theſe two dayes expire; he is to proceed to the diſcuſſing of the Cauſes in the other Roll.

4. That the Keeper of the ſaid Books of Enrollment for the Outer-houſe, do exactly and punctually obſerve the Rules and Orders aforeſaid, and that the perſon who ſhall hereafter be appointed Keeper of the ſaids Books, give his oath for that effect, (the preſent Keeper of theſe Books having already made faith to that purpoſe) and if he tranſgreſs the ſaids Rules, the Lords ſhall deprive him of his Office, and otherwayes puniſh him as they ſee cauſe, and appoint another in his place, who, and his ſucceſſors, ſhall alwayes be lyable for obſerving the premiſſes.

5. That in like manner there be a Book of Enrollment of Proceſſes to be diſcuſs'd in the Inner-houſe, containing Cauſes proper for the Inner-houſe; as the diſcuſſing of reaſons of Reduction of Heretable Rights of Lands, or Annual-rents, Declarators of Rights thereof, Probations of Tenors of Writs deſtroyed or loſt, *Ceſſiones bonorum*, which Book ſhall be kept by a perſon appointed, or to be appointed by the Lord Chancellor, who ſhall inſert the ſaids Proceſſes as they are in readineſs to be diſcuſs'd in the Inner-houſe, *viz.* Reductions after the Production is cloſed, and Declarators, Tenors and *Ceſſiones bonorum*, after the Dilators are diſcuſſed in the Outer-houſe, and a great *aviſandum* made by the Ordinary in the Outter-houſe, who is to proceed no further therein; and that according to the date of that great *aviſandum*, as it ſtands written upon the Proceſs by the Clerk of the Proceſs: And where the Lords, upon report of Diſpute from the Outer-houſe made by the Ordinary, ſhall for the importance, intricacy, or preparative of the points reported, ordain the Cauſe to be heard in preſence of the whole Lords, the ſaid Proceſs ſhall be inſert in the Roll of the Inner-houſe, according to the date of the Lords deliverance, appointing it to be heard in their preſence.

6. That there be a Book of Enrollment of concluded Cauſes, whereof the probation is to be adviſed by the Lords, to be inſert according to the date of the concluſion of the Cauſe, as the ſame ſhall be preſented by the Clerks of the Proceſs, to be kept by the Keeper of the ſaid Book of Enrollment for the Inner-houſe.

7. That the Keeper of the ſaids Books of Enrollment for the Inner-houſe, ſhall attend in the Seſſion-houſe each Saturday from two to three a clock in the afternoon, and ſhall receive and inſert all Proceſſes which ſhall be offered to him in either of the ſaids Books, according to the order forſaid; and ſhall receive thirty

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ſhillings Scots for each Proceſs to be inſert in the book of Cauſes to be diſcuſs'd, and twelve ſhillings for each Cauſe to be inſert in the Book of concluded Cauſes, and ſhall exact or take no more for himſelf or his ſervants; and ſhall make the ſaids Books patent to all the Lieges freely, and ſhall affix a Roll both of Proceſſes to be diſcuſs'd in the Inner-houſe, and of concluded Cauſes, in all things conform to the Books, upon Monday, als oft as need beis; and ſhall add to the Cauſes in the ſaid Roll for ſubſequent weeks, in the ſame manner as is appointed for the Rolls of the Outer-houſe, and both in the Books and Rolls ſhall expreſs the day of up-taking the Proceſs, and the day of the great *aviſandum* or Ordinance of the Lords for hearing the Cauſe in their preſence, ſubjoyning thereto the Cauſes each day, both in the Books and Rolls of Cauſes to be diſcuſs'd, and the like for the Book and Roll of concluded Cauſes; according to the date of the concluſion of the Cauſe.

8. That the keeper of the ſaids Books of Enrollment for the Inner-houſe obſerve the premiſſes punctually, under the pain of deprivation, and being further cenſured by the Lords, as they ſhall ſee cauſe: And that his Succeſſors ſhall make faith to obſerve the premiſſes in all points; the preſent Keeper of theſe Books having already given his oath to that effect.

9. That the Lords both in the Inner-houſe and Outer-houſe ſhall proceed to the diſcuſſing of Proceſſes, in order as they ſtand in the ſaid Rolls *reſpectivè*, without paſſing over, or anticipating any Cauſe; and that each Proceſs ſhall be ſtill called in its order, untill it be brought to an Act, Proteſtation, or Decreet; and if it be delayed till ſomething be produced or done which requires not an Act extracted, that after the day to which it is delayed, the ſame ſhall be call'd till it be diſcuſs'd.

10. And where at the calling of any Cauſe in the Inner or Outer-houſe, the Purſuer inſiſts not, the Proceſs ſhall be delet out of the Roll, and Proteſtation ſhall be granted to the Defender, without any other ſolemnity, but the demanding thereof at the calling of the Cauſe, whereby the Defender ſhall not be oblidged to anſwer untill he be ſummoned of new, and the Proteſtation-money paid, that he be not oblieged to an uncertain attendance at the Purſuers pleaſure. And in caſe at the calling of any Proceſs in the Outer-houſe, any Parties Advocat be in the Inner-houſe, the Ordinary ſhall call the Cauſe the next day thereafter, if he be deſired upon a Ticket to be given to him before he go to the Bench; but that no Advocat make interruption by calling otherwayes over the Bar.

11. That the Lords by no importunity alter the order of the ſaids Rolls by any Deliverance or Warrand, except it be for

diſcuſſing reaſons of Reduction of ſmall difficulty and importance in the Outer-houſe, before they be Enrolled in the Inner-houſe, which ſhall be Enrolled in the Roll of the Outer-houſe, according as they ſhall be preſented to the Keeper of the Roll, in the ſame manner as other Proceſſes.

12. That if any Cauſe be called by anticipation, out of its due place, the Purſuers Advocat may refuſe to inſiſt, or the Defenders Advocat to anſwer, and it ſhall be a ſufficient defence that he is not oblieged to anſwer before its due courſe in the Roll: And although neither parties Advocat ſhould object, ſeing others who were anterior in the Roll are prejudged, the Clerks are prohibit to write on any ſuch Proceſs called out of its own courſe, or to extract any Act or Decreet thereupon.

13. That the Lords of Seſſion every Seſſion, go near the diſcuſſing of all Cauſes enrolled that Seſſion; and that as they ſee their work by the Books of Enrollment, they meet the ſooner in the morning, and alſo meet in the afternoon for taking in Reports from the Outer-houſe, which requires not the attendance of Advocats, and which conſumes much of the time both in the Inner and Outer-houſe in the forenoon; and alſo for adviſing of concluded Cauſes, which of all other ſhould be leaſt delayed.

14. That if any Act, Decreet or Proteſtation be ſtopped, either by the Ordinary or by the whole Lords, the ſame ſhall be called and heard upon the Bench in the Outer-houſe, by the Ordinar who formerly heard the Cauſe, either the next day, or upon Tueſday in the enſuing week, or any other morning thereafter, before the Ordinary in the Outer houſe come out; and that he proceed in the Proceſſes untill the ſame be diſcuſs'd, delet, or Proteſtation granted in manner forſaid, and that the ſame ſhall not be again brought into the Roll.

15. That no Bill be preſented to the Lords for ſtopping or rectifying any Act or Decreet paſt in the Outer-houſe, untill the party firſt make application to the Ordinary who heard and pronounced the ſame; and if he refuſe to hear the Party upon any new matter condeſcended on, or in caſe of doubtfulneſſe, to report at leaſt upon conſignation of an Amaund: In that caſe, the Party may give in a Bill to the Lords, expreſſing his application to the Ordinar, and his refuſal to hear or report, as ſaid is, and expreſſing the ſpecial matter which he deſireth in the Proceſs, and no otherwayes.

16. To the effect, the Lords of Seſſion may be in better capacity to diſcuſs the Proceſſes which come before them, not being overburdened with ſmall and inconſiderable Cauſes, That all Cauſes, not exceeding the value of two hundred Marks *Scots*, be in the firſt inſtance carried on before the inferiour Judges;

And

And that no Summons be raiſed upon Bill, or otherwayes for Cauſes of leſs importance, for which the Clerk of the Bills and Writers to the Signet are to be anſwerable at their peril; except there be ſuch reaſons condeſcended on in the Bill, as would be ſufficient to procure an Advocation of the Cauſe from the inferior Judge, in behalf of a Defender, and competent Inſtructions thereof; And that ſuch Bills do not paſs of courſe, but be ſpecially preſented and read to the Ordinary, and that the deliverance on the back thereof bear, *Becauſe the Lords have found ſufficient ground, for which the Cauſe ought not in the firſt inſtance to be purſued before the inferiour Judge Ordinar, but before the Lords:* Excepting alſo, the Cauſes belonging to the Members of the Colledge of Juſtice, and except Sums due to Merchants, Cooks, Vintners and others in Burgh, for Furniture taken off from them, by ſuch as dwell not within the Shire where the Furniture was taken off.

17. That where Cauſes are begun befor inferior Courts, no Advocation thereof ſhall be paſt, being of no greater importance then as aforſaid, otherwayes then is provided by the Act of Parliament; And that the Clerk of the Bills be anſwerable therefore, not to preſent, paſs or write on any ſuch Bill at his peril.

18. That where Decreets are paſt before inferior Courts, and craved to be ſuſpended; if the reaſons proceed not on iniquity, but upon alledgeance, that the Decreet was in abſence, ſo that the craver of the Suſpenſion hath never appeared, or hath not continued to defend while there was no injuſtice done: Then and in that caſe, he ſhall be oblieged at the paſſing of the Bill of Suſpenſion, to conſign in the hands of the Clerk of the Bills, ſuch ſums for the expences of the Party, as the paſſer of the Bill ſhall appoint, according to the importance of the Cauſe and the diſtance of the Party, which ſhall be given up to the Charger, if the Suſpender hath not compeared, or continued to defend before the inferior Court, as ſaid is; and that immediatly at the calling of the Cauſe to be diſcuſs'd, when the compearance in the Decreet may appear, unleſs the Suſpender improve the Executions of the Summons whereupon the Decreet did proceed.

19. That Decreets, *in foro contradictorio*, before the Lords of Seſſion be not again ſuſpended, upon reaſons competent to have been proponed, or which were repelled in the former Decreet. And to the effect it may be known, with the leaſt expence, what Decreets are *in foro*, That the Keeper of the Minute-book make up a Book of the Decreets *in foro*, according as the ſame ſhall each day be given in to him by the Clerks, expreſſing the names of all the Defenders for whom

there is compearance; And that the Clerk of the Bills from time to time, call for and receive a double of the ſaid Minute-book of Decreets *in foro*; And when any Bill of Suſpenſion is to be preſented by him, that at his peril he write on no Suſpenſion of any Decreet *in foro*, contained in the ſaid Book, untill it be preſented to the whole Lords in time of Seſſion, and to three met together in time of Vacance, the deliverance bearing, that they were met together. And where there is once compearance for any Party and Defences proponed, the Decreet ſhall be holden as done *in foro*, and all the Diſpute proponed by the Advocats ſhall be inſert therein, albeit the Advocat thereafter paſt from his compearance; And that the firſt Proteſtation ſhall not be ſuſpended, but upon conſignation of thirty pounds, and the Suſpenſion thereof ſhall bear that it is the ſecond Suſpenſion; and ſo forth, all the Suſpenſions that ſhall be obtained thereafter, ſhall bear that the ſame is the third or fourth Suſpenſion; and that no Suſpenſion ſhall paſs of the ſecond Proteſtation, but in preſence of the whole Lords in time of Seſſion, and by three of the Lords meet together in time of Vacance, the deliverance bearing as aforeſaid: And that the Clerk of the Bills write upon no Bill of Suſpenſion otherwayes, as he will be anſwerable at his peril, and that the ſecond and poſterior Proteſtations ſhall be inſert in the ſaid Book, with the ſaids Decreets *in foro*.

20. That where Proceſſes are keeped up unreturned by the Defenders Advocat longer then ſix dayes after the out-giving thereof, which is the time allowed for ſeeing of Proceſſes, that upon complaint given into the Lords thereanent, the Ordinary upon the Bills call the Advocat who keeps up the Proceſs, and fine him in three pounds Scots for ilk day he hath kept the ſame, from the time that the Proceſs was required from the Advocat, or his principal ſervant, perſonally at the Advocats Chamber, by way of Inſtrument under a Nottars hand, unto the day that the complaint was given in, and ſix pounds for every day that the Proceſs ſhall be detained by him, after in-giving of the complaint: And that one of the Macers be ordered to exact the fine, under the pain of deprivation; And to that effect, that he be warranted to exclude the Advocat out of the Houſe, and not to ſuffer him to enter the Outer-bar, untill he make payment, and that he return the money ſo exacted, to the Ordinary upon the Bills, whereof the one half is to be put in the poors Box, and the other half to be payed to the party Purſuer, if he deſire the ſame, otherwiſe that the whole be put in the Box.

21. But when there are moe Defenders then on called in a Proceſs, and ſeveral Advocats compearing for them, that the Advocat

Advocat who taketh up the Proceſs to ſee for the party principally concerned, in whoſe houſe the ſame is appointed to be ſeen, ſhall be allowed only four dayes for ſeeing the Proceſs; and in caſe he do not return the ſame within that time, that he incur the penalties contained in the former Article: And that after the Proceſs ſhall be returned, the ſame ſhall remain in the Clerks hands ſix dayes before it be called, during which time, any Advocat compearing for any other of the Defenders, may ſee the Proceſs in the Clerks hands, and write thereupon for whom he compears, and ſubſcribe the ſame, and may alſo borrow the ſame up from the Clerk, for the ſpace of twenty four hours, upon his receipt and conſignation of an Amaund, according to the importance of the Cauſe; and in caſe he do not reproduce the Proceſs within the ſaid ſpace of twenty four hours, upon complaint made thereof, he is to loſe the Amaund, and pay ſix pounds for ilk day he keeps the Proceſs after the ſaid ſpace of twenty four hours, and the like execution to be uſed therefore, as in the former caſe of the Defenders Advocats not returning Proceſſes, given out to them by the Purſuers Advocats. And likewayes, if any Advocat during the ſaid ſpace of ſix dayes, be deſirous to ſee the Proceſs for any other party having intereſt, who was not called in the Proceſs, that upon production of the parties intereſt in the Clerks hands, he be allowed to ſee in manner foreſaid, he alwayes conſigning and ſubſcribing for whom he compears: And in caſe of failzie to reproduce, being lyable as ſaid is, and that the Advocat ſhall not be heard when the Cauſe is called, if he hath neglected to ſee in manner foreſaid, whether he be compearing for any party called in the Proceſs, or compearing for his intereſt.

22. In reſpect it is a great obſtruction to the diſpatch of Proceſſes, that when Cauſes are called, Defences ſometimes are proponed upon Writs, which being neither produced nor ſeen by the Purſuers Advocats, all that is ordinarily done, is to ordain the Writs to be produced; therefore, where ever the Defenders Advocat is to found any Defence upon Writs, that at the returning of the Proceſs, he alſo produce therewith the Writs whereupon he intends to found any alledgeance, and give in the Defence which he founds upon theſe Writs, and mark the particular clauſes of the Writ whereupon he founds, otherwiſe no reſpect is to be had to the alledgeance to be founded on theſe Writs, which were in any of the Defenders Advocats hands, or which, or any copy thereof were ſeen by the ſaids Advocats, which the purſuers Advocats ſhall be oblieged to return within four dayes after they receive the ſame; otherwiſe, complaint may be made againſt them, as againſt Defenders Advocats for keeping up of Proceſſes. And in caſe any other Writs come to their hands, after the returning of the Proceſs upon which they will found,

that in like manner they produce the ſame to the Purſuers Advocats, before calling of the Cauſe, under the ſame certification.

23. That the Suſpender at the out-giving of the Suſpenſion, produce therewith all his Verifications, and that at the calling of the Cauſe, if he have keeped up the Verifications, and offer then to produce the ſame, that the Ordinary ſhall give Decreet, becauſe the reaſons are not verified conditionally; That if with the Verifications, the Suſpender produce in the Clerks hands twelve pounds *Scots*, two parts thereof to be payed to the Charger, and the third part to the Poor, the ſame ſhall be received, and the parties heard thereupon, without enrolling of new; and therefore the Ordinary ſhall mark upon the Cauſe, *Decreet conditional*, to ſuch a day: and if betwixt and the ſaid day, obedience be not given, the Decreet is to be extracted.

24. That the Suſpenders Advocat be not allowed to propone any new Reaſons of Suſpenſion at the Bar, which was neither lybelled nor contained in the eiked Reaſons of Suſpenſion given out to, and ſeen by, the Chargers Advocats, unleſſe therewith they conſign in manner foreſaid.

25. That becauſe Proceſſes are very much lengthened, by the long running of ordinary and incident diligence and terms for production in Reductions and Improbations; for remeid whereof in time coming, there ſhall only be two Diligences againſt Witneſſes, one by Horning, and another by Caption; and there ſhall be no incident Diligence ſuſtained upon Acts, but where the ſame is craved and allowed at the pronouncing of the Act, and expreſſed therein, which ſhall proceed againſt the alledged havers of the Writs, firſt by Horning, charging them to compear and produce upon oath, and next by Caption, in caſe they do not compear and depone; and that there be only one term for production in ſingle Reductions, and two in Improbations: And that the Clerks inſert no Reſervations in Acts for production, but that all exceptions competent before production, be diſcuſſed before aſſigning of terms.

26. That no more Advocats be imployed or marked in any Cauſe for a Party, but only three in the Inner-houſe, and three in the Outer-houſe at moſt; and that only two be allowed in the Inner-houſe, to ſpeak one after another upon one ſide, before the other Party make an anſwer; And that the Lord Chancellor or Preſident keep the Advocats cloſs to the point, and that no Advocat be allowed to ſpeak above half an hour together at moſt, at one time.

27. That the Allowance of Advocats in time-coming, be regulate according to the quality of the perſons who employes them, in manner following, *viz.* that for every Conſultation, Pleading thereupon, and drawing Bills upon any Interloquitor thereanent

thereanent altogether, there be given at moſt to any Advocat, by Noble-men eighteen pounds, by Knights and Barrons fifteen pounds, by Gentle-men and chief Burgeſſes twelve pounds, and by all the reſt of the people nine pounds: And that nothing be allowed for drawing Informations to be given to the Lords after Diſpute, but to one Advocat only, and that the Allowance therefore be only the halt of what is allowed for the Conſultation.

28. That the parties Purſuer and Defender do give in with the Proceſs, a Declaration under their hands, bearing, That as they ſhall anſwer to God, they have not given, nor ſhall give any more to any one Advocat employed by them in that Proceſs, for every Conſultation comprehending as aforeſaid, then the foreſaid Allowance; which Declaration is to be given in by the Defender at the return of the Proceſs, and by the Purſuer before the Proceſs be called. And in caſe of the Clients Minority, his Tutors or Curators, and in caſe of his abſence, or that he hath employed another to diſburſe the money for him, the perſon ſo employed ſhall give in the foreſaid Declaration upon oath, which ſhall bear, That he being the only perſon employed to diſburſe money to Advocats in that Proceſs, he hath not given, nor ſhall give any more then as aforeſaid. And in regard theſe who are already admitted Advocats have given their oaths, that they ſhall alwayes obſerve the ſaids Rates, that no Advocat be admitted hereafter till they give that oath.

29. And becauſe by the Act of Parliament, one thouſand ſix hundred and twenty one, the rates of Writs are ordered conform to an Act of the Lords of Privy Council and Lords of Seſſion, in *anno*, one thouſand ſix hundred and ſix, the effect whereof hath been fruſtrate, becauſe nothing thereby is provided to Clerks Servants: And in reſpect the rates of all things are much encreaſed ſince that time; Therefore, that the rates of the Clerks of Seſſion be as followeth, *viz.* For Acts, Decreets, Proteſtations and Diligences, there ſhall be only payed to the Clerk and his Servants, three pounds *Scots* for each ſheet, written in the ſame manner as they are now accuſtomed, conform to a Pattern ſigned by this Commiſſion, and kept by the Lords of Seſſion, excepting Decreets of Tranſump, Transferring, and of Regiſtration by way of Action, and Commiſſions wherein there is no diſpute, for which there ſhall be payed three pounds Scots only for the firſt ſheet, and twenty ſhillings Scots for ilk one of the reſt of the ſheets. And as to other Writs paſſing that Office, the ſame rates be obſerved which are contained in the ſaid Act of Parliament; And that the Clerks or their Servants take no money for production of Writs, or giving up of the ſame again, minuting of Diſputes, or booking of Acts and Decreets, all which ſhall be payed by the ſaids Extracts, but that there be allowed

to them two merks for taking a Parties oath, and one merk for every Witneſſes depoſition, and thirty ſhillings Scots for calling of every Act in preſence of the Ordinary. And that the Clerks or their Servants do not mark upon any Proceſs, Calling or Compearance, or the calling of any Act, but what was publickly done by a Macer, that the Advocats may have timeous notice to ſatisfie the concluſion of Acts. And that no Decreets be pronounced conditionally, but ſimply, according to the Act to be extracted twenty four hours after the ſame is read in the Minute-book; and that every *Sederunt* day, the Minute-book be read out fully, that the Lieges be not delayed or neceſſitate to attend. And that the Clients ſhall in the ſame manner, as in relation to Advocats allowance, give their oaths that they have keeped, and ſhall keep the ſaids Rates, which ſhall be contained in a Paper, with their Declaration in relation to Advocats. And ſeing the preſent Clerks and their Servants have given their oaths, that they ſhall alwayes obſerve the ſaids Rules and Rates, that no Clerk be admitted hereafter, till he give that oath; excepting Acts and Decreets of contentions diſpute in preſence of the Lords, which are to be at the diſcretion of the Party, conform to the Act of Parliament. And in regard diverſe Proceſſes after diſpute, and Interloquitors pronounced therein, either in *preſentia*, or in the Outer-houſe, are tranſacted and ſettled by the Parties, ſo that the Proceſſes come not the length of a Decreet, or if Decreet be pronounced, the ſame is not extracted: And it being juſt and reaſonable, that the Clerks ſhould have allowance for the pains taken by them in theſe Proceſſes; therefore, that the Clerks in theſe caſes be allowed to take from their Clients, ſatisfaction as if Decreets were extracted, according to the ſheets of the Act of *Litiſ-conteſtation*, or other Act in the Proceſs; or if there be no Act, according to the ſheets of the Summons, Suſpenſion or Advocation; and if the Cauſe was diſpute in the Inner-houſe, according to the ſheets the Minutes of the Proceſſes would amount to, if the ſame were extended into an Act or Decreet.

30. And anent the Clerks of the Bills and his Servants, that the Rates in the ſaid Act of Parliament, one thouſand ſix hundred and twenty one, be in all points obſerved, with this alteration, That whereas that which is allowed by the ſaid Act for the Acts of Caution, with the relief which comprehends the Bills of Suſpenſion, is too low for the Clerks and his Servants, That there be allowed to the ſaid Clerk and his Servants therefore, three pounds and a merk *Scots* and no more; And ſeing the preſent Clerk of the Bills and his Servants, have made faith that they ſhall obſerve the ſaids Rates, that any Clerk of the Bills who ſhall be admitted hereafter, ſhall at his admiſſion give that oath,

oath, and likewiſe his Servants: And in caſe there be moe perſons contained in the ſaids Bills of Suſpenſion then one, that every ſuch perſon, except the chief perſon, ſhall pay ſix ſhillings eight pennies, untill they come the length of ten perſons, and no allowance is to be granted for any exceeding that number, nor for a Community more then the ſaid number of ten: And for Relaxations, ſix ſhillings eight pennies for every perſon more then one, untill they come to the number of ten perſons, and no more to be taken for any greater number or Community, which dues ſhall be payed at the firſt in-giving of the Bill of Suſpenſion, and ſhall be retained by the Clerk, whether the Bill be paſt or not, and no more to be given for that Bill, or for any new Bill which ſhall be given in, in that matter. And as for the allowance of Compriſings, that the rate thereof be fourty ſhillings Scots, where the ſums contained in the Compriſings (by and attour the Sheriff-fee) do not exceed two thouſand pounds Scots; And if the ſums compriſed for be above two thouſand pounds, that there be payed four pounds Scots; and that this be in ſatisfaction of all that is to be given in that Office, both for Maſter and Servants.

31. In reſpect ſeveral perſons, being neither Advocats, nor Advocats Servants, do take upon them, under the name of Agents, to medle and negotiate in Proceſſes, who are found to be of no uſe, but burdenſome to the Lieges; That hereafter all the Agents be debarred the Houſe, and not permitted to negotiate in, or mannage Proceſſes; and recommends to the Lords of Seſſion to ſee the ſame punctually obſerved.

32. That the Keepers of the general Regiſters of Hornings and Inhibitions, and of Seaſings and Reverſions; As alſo, the Keepers of theſe Regiſters in the ſeveral Shires, in time coming, be carefull to book all Hornings, Inhibitions, Interdictions, Seaſings, Reverſions, and others regiſtrat by them; And that they make exact Minute-Books relating to theſe Regiſters, theſe of Hornings, Inhibitions, and Interdictions, containing the Names, Sirnames and Deſignations of the Parties, Principal and Cautioners; And theſe of Seaſings, Reverſions and others appointed by the Act of Parliament to be regiſtrat in that Regiſter, containing the Names and Deſignations of the parties, and the common Deſignation of the Lordſhip, Barrony or Tennendry of the ſeveral Lands mentioned in the Writ: And that the Clerk of Regiſter, or any whom he ſhall appoint, every quarter of the year, compare the Minute-books with the general Regiſters, and ſubſcribe the Minute books at the collationing of the ſame; And in the ſeveral Shires, that the Sheriff, Bailiff of the Regality or Royality, or their Deputes (with whom, any two of the Juſtices of Peace to be nominat by the whole Meeting, are allowed to be preſent) be appointed quarterly, *viz.* upon the

first Tuesdayes of *February*, *May*, *August* and *November*, to call for, and take inspection of, the saids Registers, and of the Minute-books relating thereto; and after collationing of the same, that they with the saids two Justices of Peace, if they be present, subscribe the Minute-book: Certifying the saids Sheriffs and Bailiffs, if they do not meet and compare the saids Registers at the several times above-specified, They shall be lyable in the penalty of One Hundred pounds Scots, for ilk failzie; and Certifying the Clerks, if they shall not have the Books in readinesse at the foresaids times, or if any Hornings, Inhibitions, Seasings, Reversions, and others foresaids then in their hands, shall not be registrat in the Books, they shall incurr the pain of deprivation, and be lyable in payment of the parties damnage: And that the Clerks, keepers of the saids Registers, book all Hornings, Inhibitions, Interdictions, Seasings, Reversions, and others which now are in their hands, for the space of fourty years by-gone, and have exact Minute-books relating thereto, in manner foresaid, within the space following, *viz.* the Keepers of the general Registers betwixt and the first of *June*, 1674. and the Keepers of the particular Registers in the several Shires, betwixt and the first of *June*, 1673. And that all Hornings and Inhibitions, registrat in the Shires, be marked by the Keepers thereof, conform to the 21. Act of the Parliament, 1600. under the pains aforesaid; And that in the *interim*, betwixt the collationing of the Books, the Clerks shall be oblieged to keep a privat Minute book for their own use, wherein they are to insert a Note of all Hornings, Inhibitions, Interdictions, Seasings and Reversions, as they are given into be registrat: And in case any be omitted out of that Minute-book, they shall incurr the pain of deprivation, and be lyable to pay the parties damnage. Whilk Minute-books *respectivè* foresaids, as well for the space of fourty years by-gone, as in time coming, the Clerk shall be oblieged to make patent to all His Majesties Leidges, whensoever they shall desire to see the same, upon payment of the dues following, *viz.* Thirty shillings Scots for inspection of the minute book of the general Register of Seasings and Reversions, and twenty shillings Scots for that of the general Register of Inhibitions; and for that of the general Register of Hornings, twelve shillings Scots; And for inspection of the Minute-book of the particular Register of Seasings and Reversions in the several Shires, twelve shillings Scots: And for that of Hornings and Inhibitions, six shillings and eight pennies Scots money. And it is hereby Declared, that the care of seeing the premisses done and performed, after the expiring of this Commission, is committed to the Lords of Session.

33. As for Writers to the Signet, it is Ordained, that the rates of all Writs to be formed and written by them, be as followeth

followeth, *viz.* For Bonds, Assignations, Translations, Discharges, Tacks and other Writs of that nature, and likewayes for Summons and all Letters that pass the Signet, there be allowed only eighteen shillings Scots for the first sheet, and twelve shilling Scots for ilk an of the rest of the sheets; Excepting Suspensions and Advocations, for the first sheet whereof they shall have fourty shillings Scots, and two Merks Scots for ilk sheet more: And where Summons are blank in any part thereof, that the same be only payed for, according to the sheets which are written and filled up. And as for Contracts, Dispositions, and other securities of Lands, Annualrents or other heretable Rights, Chartors, Signatures, Precepts in Latine, and other Writs of that nature, and likewise for Compriſings and Services, there shall be only payed three pounds Scots for the first sheet thereof, and thirty shillings Scots for each of the rest of the sheets, the same being alwayes written, conform to a Patern to be signed by the Lords of Session; And that no distinct payment be taken by the Writers, or their Servants, for Bills whereupon Summons or Letters are raised, or for claimes whereupon Services or Compriſings do proceed, or for Scrolls of any of the saids Writs; Which rates or prices aforesaid shall be in satisfaction of all that is to be given, both to Master and Servants: And where Bonds, Assignations, Translations, Discharges, Contracts, Dispositions, and other Securities aforesaid, are drawn or written by any persons who use to write for payment, not being Writers to the Signet, that there be payed to them only two parts of the rates allowed to Writers to the Signet, in manner forsaid; And that all Writers to the Signet, and others residing within the Town of *Edinburgh* who use to write for payment, shall compear before the Lords of Session betwixt and the first of *December* next, and give their oaths that they shall observe the saids rates; and that these who reside in any other place of the Kingdom, shall betwixt and the said day, take the foresaid oath, in presence of the Sheriff of the Shire or his Depute, or other ordinar Magistrat of the place; or in case they dwell within a Burgh Royal, before the Magistrats of the Burgh; and the Writers to the Signet and other persons aforesaid, are hereby discharged to form or write Writs of any kind, after the said first of *December* next, unless they take the said oath, under the pain of deprivation, and such other punishment as the Lords of Session, or the ordinary Magistrats of the place *respectivè* shall think fit to inflict. And it is hereby Declared, that it shall not be lawfull to any person, to be Clerks to the deducing of Compriſings which are led by Dispensation within the Town of *Edinburgh*, or to Services led before the Macers, except they be Writers to the Signet.

Concerning the JUSTICE-COURT.

SEeing Causes Criminal are of the greatest importance, and may extend to the Lives and Liberties of any of his *Majesties* Subjects, and their Persons and Fortunes: And seing the punishment of Crimes is of the greatest consequence for the safety and security of His *Majesties* Person and Authority, and the Peace and Quietnesse of the Kingdom; And therefore, matters Criminal ought to be determined in the most solemn, exact and regular way, that the Loyal and Innocent may be in full security, and Offenders may be punished either in the most publick places of the Kingdom, or in the places where the Crimes have been committed, to terrifie others from the like: That whereas formerly assessors from time to time were appointed to the Justice General, in matters of importance, which being ambulatory, cannot be so convenient, as if all the Members of that Court were settled and chosen by His *Majesty* of fit persons, who might make it their work to make a just and constant procedure in Matters Criminal.

1. For that effect, that the Office of Deputes in the Justice-Court be suppress'd, and that five of the Lords of Session be joyned to the Justice-General and Justice-Clerk, and all of them invested with the same and equal Power and Jurisdiction in all Criminal Causes; That the Justice-General being present preside, and in his absence the Justice-Clerk, and in absence of both, that these present elect one of their number to preside, four of the whole number being alwayes the *Quorum* of that Court, except at the Circuit-Courts.

2. That they be appointed to meet each Monday at nine of the clock in time of Session, and oftner if businesse so require.

3. That the persons to pass upon Assizes be lifted, and their Names and Designations insert in an Roll to be signed by the said Judges or their *Quorum*.

4. That for the splendour of that Court, all the Judges sit in red Robes faced with white, that of the Justice-Generals being lined with Ermine, for distinction from the rest.

5. That once a year, in the Moneth of *April* or *May*, Circuit-Courts be keeped, two of their number appointed to go and keep Courts at *Dumfries* and *Jedburgh*, two at *Stirling*, *Glasgow* and

and *Air*, and other two at the Towns of *Perth*, *Aberdeen* and *Innerneſſe*; the Juſtice-General being alwayes ſuper-numerary in any of theſe Circuit-Courts.

6. That it be left and recommended to the Judges of that Court, to regulat the inferior Officers thereof, and order every other thing concerning the ſaid Court.

7. That a convenient Room be appointed for their meetings, Benches for the Judges, a place for the Juſtice-General, more eminent then the Seats of the other Judges; That the Advocats, Clerk, Aſſize and Pannels have diſtinct places appointed to them.

8. That the Clerk of the Court, nor no other perſon, be preſent with the Aſſize after they are incloſed.

9. That the Chancellor of the Aſſize mark what way every individual perſon who is upon the Aſſize ſhall vote, whether condemning or aſſoilzeing, and that on the ſame Paper wherein the Verdict of Aſſize is written; which after the pronuncing of the Verdict, is to be cloſed and ſealed with the Seals of the Court, of the Chancellour of the Aſſize, and of ſo many moe of that number, as the Chancellor ſhall think fit, and never to be opened again, but by order of the Judges: With certification, if the Clerk who ſhall have the keeping of the ſaid Verdict, do make open the ſame without warrand, he ſhall be deprived of his Office, and otherwayes puniſhed as the Judges ſhall think fit.

10. That in all Criminal Purſutes, the Defender or his Advocats be always the laſt ſpeaker, except in caſes of Treaſon and Rebellion againſt the King.

11. That when any Criminal Libel or Summons of Exculpation are given and execute againſt any Party, that at the ſame time, Liſts of the Witneſſes to be adduced for proving of the ſaid Libel and Summons, and of the perſons who are to paſs upon the Inqueſt, be alſo given to them; to the effect, the Party may know what to object againſt the ſaids Witneſſes and Aſſizers, and may take forth Diligences for ſummoning of Witneſſes for proving of their objections, why any contained in the ſaids Liſts ſhould not be admitted to be a Witneſſe, or upon the Aſſize.

Concerning the Exchequer.

THat there be payed to the Keepers of the Theſaurer Regiſter and his Servants, for regiſtration of Signatures fourty ſhillings Scots for the firſt ſheet, and twenty ſhillings Scots for each other ſheet of the Signature given in; And that neither he nor his Servants take or exact more, upon any account, or for moe ſheets then the Signature conſiſteth of, and that they give their oaths to that effect.

2. That there be payed to the preſenter of Signatures, for each Signature containing an Barrony, or Lands above that value, and which is to paſs the Great Seal, ſix pounds Scots; And if it be of Lands under a Barrony, three pounds: And for all Signatures which are to paſs the Privy Seal, only half a Crown. And that he make Faith to obſerve theſe Rates.

3. That no *Æques* be made in the Exchequer, by the Vaſſals of His Majeſties Property, for any Blenſh or Few-duties which are under the ſum of ten pounds Scots; But as to theſe, that Liſts of the Vaſſals and of the Blenſh and Few-duties payable by them, be ſubſcribed by the Commiſſioners of His Majeſties Theſaurary, and ſent to the Sheriffs of the ſeveral Shires, who, or their Deputes, ſhall charge the Vaſſals for payment of theſe Duties, and ſhall be countable for them to the Exchequer; And that upon payment by the Vaſſals of their ſaids Few and Blenſh-duties, the Sheriffs or their Deputes ſhall be oblieged to grant to them Diſcharges thereof, without any money or gratification to be given therefore, either to the Sheriff or his ſervants, except a Merk Scots only.

4. That the preſent way of making the counts of Exchequer in Rolls, be altered, and that the ſame be made hereafter in Books of Parchment; That *Æques* be made yearly; And that for all the Lands contained in one Chartor, belonging to one Heretor, there be made but one *Æque*.

AND furder, His Majeſty Recommends to the Commiſſioners aforeſaid, that what by the ſhortneſſe of time is not yet determined, as to the Commiſſary-courts, Sheriff-courts, Town-courts, and all other Courts and Judicatories of the Kingdom, may be done with all conveniency, conform to His Majeſties Commiſſion granted to them; and that they return their judgements thereof to His Majeſty, that He may give ſuch order therein, as He ſhall think fit.

ACT

XVII.

ACT against keepers of Conventicles, and with-drawers from Publick Worship.

Edinburgh, 4. of September, 1672.

FOraſmuch as the Act paſt by His Majeſty and Eſtates of Parliament, upon the 13. of *Auguſt*, 1670. againſt Conventicles, and the other Act paſt in the ſame Parliament upon the 20. day of the ſaid moneth of *Auguſt*, 1670. aginſt ſeparation and with-drawing from the publick Meetings of Divine Worſhip, were appointed to endure only for the ſpace of three years, unleſs His Majeſty ſhould think fit to continue them longer. And His Majeſty conſidering, that theſe Acts have not hitherto received that obedience which was due unto them, and that the execution thereof hath not been ſo duly proſecute, as by the tennor of the ſame is preſcribed, and that therefore, the continuance thereof will be neceſſary for ſome longer time; Doth, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, that the two Acts of Parliament above-mentioned, againſt Conventicles and withdrawing from publick Meetings of Divine Worſhip, are and ſhall endure and continue Acts of Parliament and publick Laws of the Kingdom, for the ſpace of three years, after the expiring of theſe three years above-mentioned, and longer as His Majeſty ſhall be pleaſed to appoint. Likeas, His Majeſty conſidering, that by the ſaid Act againſt Conventicles, it is Statute, that no outted Miniſter, not licenſed by His Majeſties Council, nor other perſon not authorized nor tollerat by the Biſhop of the Dioceſs, preſume to preach, expound Scripture, or pray in any Meeting, except in their own houſes, and to theſe of their own Family; And ſince there may be ſome queſtions and doubts, concerning the meaning and extent of that word *Pray*, His Majeſty doth, with advice forſaid, Declare, That it is not to be underſtood, as if thereby Prayer in Families were

diſcharged, by the perſons of the Family, and ſuch as ſhall be preſent, not exceeding the number of four perſons, beſides theſe of the Family: It is alwayes Declared, that this Act doth not give allowance to any outted Miniſter to pray in any Families, except in the Paroches where they be allowed to preach. And furder, His Majeſty with advice forſaid, doth hereby alſo Authorize the Magiſtrats of the Royal-burroughs, to call before them all ſuch of their Burgeſſes, as ſhall be guilty of keeping Conventicles, and to proceed againſt them by fining and otherwayes, as is at length expreſt in the ſaid Act; and that they make account and report of the Fines to the Commiſſioners of His Majeſties Theſaurary, and of their diligence to His Majeſties Council. And His Majeſty conſidering the ſlow progreſs hath been made, in puting theſe Acts in execution for the time bygone, Doth therefore, with advice foreſaid, Statute and Command, that all Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magiſtrats of Burroughs within their reſpective Juriſdictions, ſhall from henceforth be careſull in puting theſe Acts to due execution, againſt keepers of Conventicles, and with-drawers from publick Worſhip, conform to the power and truſt committed to them thereby: And that they return an account of their proceeding to His Majeſties Council yearly, on the firſt Thurſday of *July*, under the pain of five hundred Merks, to be payed by each Sheriff, Stewart, Bailiff and Magiſtrats of Burgh, for each years failzie, in not giving an account of their diligence as ſaid is.

ACT

XVIII.

ACT for eſtabliſhing Correction-houſes for Idle Beggars and Vagabonds.

Edinburgh, 4. of September, 1672.

THE Kings Majeſty, conſidering the many good Laws and Statutes made by himſelf and His Royal Predeceſſors, for ſuppreſſing of Vagabonds, Beggars, and Idle perſons, who are a great burden and reproach to the Kingdom, and for the moſt part, live without all Law or Rule, Sacred or Civil; And that a numerous brood of ſuch perſons are dayly increaſing, who if they were ſet to work, and bred to Trades and Callings, the people might not only be disburdened of them, but they might, in a ſhort time, and upon far leſs expenſe, become uſefull and profitable for the whole Kingdom. And withall conſidering, that the effect of all theſe good Laws hath been fruſtrate, becauſe there hath been no place provided wherein ſuch poor people might be ſet to work, nor perſons appointed to have the charge and overſight of them: For remeid whereof, His Majeſty, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that the Magiſtrats of the Burghs following, betwixt and the term of Whitſunday next, 1673. provide Correction-houſes for receiving and entertaining of the Beggars, Vagabonds and Idle perſons within their Burghs, and ſuch as ſhall be ſent to them out of the Shires and Bounds afterſpecified; and that they appoint Maſters and Overſeers of the ſame, who may ſet theſe poor perſons to work; *viz.* one Correction-houſe at the Burgh of *Edinburgh*, for theſe of the Town and Shire of *Edinburgh*; one at the Burgh of *Haddingtoun*, for thoſe of the Shire of *Haddingtoun*; one at *Dunſe* for the Shire of *Berwick*; one at *Jedburgh*, for the Shire of *Roxburgh*; one at the Burgh of *Selkirk*, for the Shire of *Selkirk*; one at the Burgh of *Peebles*, for the Shire of *Peebles*; one at *Glaſgow*, for the Shire of *Lanerk*; one at the Burgh of *Dumfreis*, for the Shire of *Dumfreis*; one

at the Burgh of *Wigtoun*, for the Shire of *Wigtoun*; one at the Burgh of *Kirkcudbright*, for the Stewartry of *Kirkcudbright*; one at the Burgh of *Air*, for the Shire of *Air*; one at the Burgh of *Dumbartoun*, for the Shire of *Dumbartoun*; one at the Burgh of *Rotheſay*, for the Shire of *Bute*; one at *Paiſlay*, for the Shire of *Renfrew*; one at *Stirling*, for the Shires of *Stirling* and *Clackmannan*; one at *Linlithgow*, for the Shire of *Linlithgow*; one at *Culroſs*, for theſe twelve Paroches in the Shire of *Perth* belonging to the Presbytery of *Dumblane*; one at the Burgh of *Perth*, for the reſt of the Shire of *Perth*; one at *Montroſe*, for the Shire of *Kincairden*; one at the Burgh of *Aberdeen*, for the Shire thereof; one at *Innerneſſe*, for the Shires of *Innerneſſe*, *Roſs*, and *Cromarty*; one at the Burgh of *Elgin*, for the Shires of *Elgin* and *Nairn*; one at *Inverary*, for the Shire of *Argyl*; four in the Shire of *Fife*, *viz.* one at *St. Andrews*, one at *Coupar*, one at *Kirkaldy*, and one at *Dumfermling*, for the four ordinary Diviſions of that Shire; one at *Dundee* for the Shire of *Forfar*; one at the Burgh of *Bamff*, for the Shire of *Bamff*; one at the Burgh of *Dornoch*, for the Shire of *Sutherland*; one at *Week*, for the Shire of *Caithneſſe*; and one at the Burgh of *Kirkwall*, for the Shire of *Orknay* and *Zetland*; each of which Houſes ſhall have a large Cloſs, ſufficiently incloſed for keeping in the ſaid poor people, that they be not neceſſitat to be alwayes within doors, to the hurt or hazard of their health. And in caſe the Magiſtrats of the ſaid Burghs, or any of them ſhall not provide and have in readineſſe, the ſaids Correction-houſes betwixt and the ſaid term of Whitſunday next, they ſhall incur the pain and penalty of five hundred Merks Scots money, and that quarterly, untill the Correction-houſes be provided: Which penalties ſhall be payed to the Commiſſioners of Exciſe, in the reſpective Shires or Bounds from which the ſaids poor perſons ſhall be ſent, to the ſaids Correction-houſes: And the ſaids Commiſſioners are hereby warranted to raiſe Letters of Horning, and uſe other execution at their inſtance, againſt the Magiſtrats of the ſaids Burghs, for payment of the penalties that ſhall be incurred by them, in manner foreſaid; which penalties ſhall be applyed by the ſaids Commiſſioners, for building or buying of houſes to the effect foreſaid: And in the mean time, untill the ſaids houſes be provided, the Magiſtrats of the ſaid Burghs are required to diſpoſe of theſe Beggars and poor People, who were either born within their reſpective Burghs, or have haunted therein the laſt three years, in ſome convenient places, ſo as they may not go begging on the Streets, or at houſes within the Town. And for the better enabling of the ſaids Burghs, to bear the charges and expenſes of the ſaids Correction-houſes, His Majeſty, with conſent of the ſaids Eſtates of Parliament, Statutes and Ordains,

that

that the Contributions and Allowances for maintaining of the Poor, appointed by the fifteenth Act of the third Session of His Majesties first Parliament, Intituled, *Act concerning Beggars and Vagabonds*, be applyed for the use of the saids Correction-houses, whereby they shall have two shillings Scots for ilk poor person *per diem* that shall be sent to them, and entertained and bred by them, for the first year; and twelve pennies Scots *per diem*, for the space of three years thereafter, during which they shall entertain and educat them, together with the profit arising from the labour and work of the saids poor persons, for seven years thereafter: Which Contributions are to be payed by the Paroches relieved of the said Poor, in manner contained in the said Act. And to the effect it may be known, what poor persons are to be sent to the said Correction-houses, and who are to be keeped and entertained by the Contributions at the Paroch-kirks for the Poor, the Ministers of ilk Paroch, with some of the Elders, and in case of vacancy of the Kirks, three or moe of the Elders are hereby ordered to take up an exact List of all the poor persons within their Paroches, by Name and Sir-name, condescending upon their age and condition, if they be able or unable to work, by reason of age, infirmity or disease, and where they were born, and in what Paroches they have most haunted during the last three years, preceeding the up-taking of these Lists; intimation being alwayes made to the whole Heretors of the Paroch to be present, and to see the Lists right taken up; and that the Heretors who, and the possessors of their Land, are to bear the burden of the maintainance of the poor persons of each Paroch, or any of them who shall meet with the saids Ministers and Elders, shall condescend upon such as through age and infirmity, are not able to work, and appoint them places wherein to abide, that they may be supplied by the Contributions at the Paroch-kirk: And if the same be not sufficient to entertain them, that they give them a Badge or Ticket to ask almes at the dwelling-houses of the inhabitants of their own Paroch only, without the bounds whereof, they are not to beg; and that they do not at all resort to Kirks, Mercats, or any other places where there are meetings at Marriages, Baptismes, Burials, or upon any other publick occasion: And likewise, that such of the saids poor persons as are of age and capacity to work, be first offered to the Heretors or Inhabitants of each Paroch, that if they will accept any of them to become their Apprentices or Servants, they may receive them upon their obliegment to entertain and set to work the saids poor persons, and to relieve the Paroch of them; For which cause, they shall have the benefit of their work untill they attain the age of thirty years, conform to the tenth Act of the twenty two Parliament

of King *James* the sixth, and that the rest of the saids poor persons be sent to the Correction-houses, for whose entertainment, the saids Heretors shall cause collect the saids Contributions, and appoint a quarters allowance to be sent allong with them, with Cloathes upon them to cover their nakednesse, and the said allowance to be payed quarterly thereafter, by way of advance. With power also to the saids Commissioners of Excise in each Shire, quarterly to take an account of the diligence of these of each Paroch in performing of the premisses: And in case of their neglect, to appoint other persons to make the saids Lists, and Collectors to uplift the saids Allowances, and to bring them to Correction-houses. And the Sheriffs their Officers, and Mayers and Constables are hereby required to concurr and be assisting to the carrying and delivering of the saids poor persons to the Correction-houses. And in case any Heretors shall find within their bounds, any other Vagabonds, Beggars or idle Persons, not being in service, nor having any visible way or stock to entertain themselves, who were not born, nor did haunt formerly within their bounds; they are hereby impowered to seize upon such persons, and to send them to the Correction-houses; and to charge the Magistrats or Masters of the saids houses to receive them, without advance of any allowance: With power notwithstanding to the saids Magistrats or Masters, to charge the Heretors of the Paroches where these idle Persons were born, or have most haunted the last three years, for the allowance of such of them as are not bred to work; And as to such of them as can work, the Masters shall have the benefit of their work for their meat. And His Majesty, with advice forsaid, doth impower and require the Masters of the Correction-houses to put and hold the saids poor people to work, as they shall see them most capable and fit; And in case of their disobedience, to use all manner of severity and correction, by wheeping or otherwayes, (excepting torture) and to detain them within the said Correction-house and Closs thereof; with this Provision, that in case any of the saids poor persons being received, shall be suffered to escape to burthen the Countrey of new, that the Magistrats shall be charged to recover and receive them again, without any allowance thereafter, during the said space of four years, under the pain of Fourty pounds Scots for each person so escaping: With Power also to them, to receive disobedient servants, and to put them to work, and to correct them according to their demerits. Likeas His Majesty, with advice forsaid, Ordains Letters of Horning and other execution to pass hereupon, at the instance of these who shall send the poor in manner foresaid, against the Magistrats of Burghs for receiving the poor sent to them, with the quarters allowance foresaid: And likewayes,

Letters

Letters of Horning to be direct at the inſtance of the Maſters of the ſaids Correction-houſes, againſt theſe lyable in payment of the ſaid allowance for the poor, conform to the ſaid Act of Parliament, and that quarterly in manner foreſaid; And at the inſtance of the Collectors, to be named by the Heretors or Commiſſioners of Exciſe, againſt the Heretors and Inhabitants of the ſaids Paroches, conform to the ſaid Act of Parliament. It is alwayes hereby provided, that it ſhall be lawfull to Coal-maſters, Salt-maſters, and others who have Manufactories in this Kingdom, to ſeiſe upon any Vagabonds or Beggars, where ever they can find them, and to put them to work in their Coal heughs or other Manufactories, who are to have the ſame power of correcting them, and the benefit of their work, as the Maſters of the Correction-houſes. And furder, His Majeſty with advice foreſaid, recomends and commits the execution of this preſent Act to His Privy Council, with power to them to appoint all means and wayes for making the ſame effectual; To whom the Commiſſioners of Exciſe in the ſeveral Shires, are hereby Required to return an account of their diligence in the premiſſes, by ſome of their number the ſecond Council day in *November*, and the ſecond Council day in *June* yearly, under the pain of Fourty pounds Scots for every Commiſſioner of Exciſe, who ſhall be defficient in doing his part of the premiſſes.

XIX.

ACT Concerning Adjudications.

Edinburgh, 6. of September, 1672.

THE Kings Majeſty, conſidering how far Compriſings have deborded from the firſt deſign of the Legiſlators, who did never intend that opulent and great Eſtates ſhould be caryed away for inconſiderable ſums, nor that Meſſengers or ignorant perſons ſhould be Judges in matters of ſo great importance; And conſidering the great prejudice enſueing to Trade and Commerce, by the length of the legal Reverſion formerly granted, the Creditor not being able to command his money, and both Debitor and Creditor neglecting to uſe any policy and improvement of the Lands during the running of the legal Reverſion; And that after expiring thereof; Compriſings have become the foundation

of much fraud; the right thereof being sometimes acquired by the appearand Heirs of the Debitor, who thereby secluded the lawfull Creditors: And that by the ignorance of Nottars and Messengers, and many unnecessar solemnities, oftimes Nullities have happened in Comprisings, and the same have alwayes been most expensive by heaping of penalties, and Sheriff-fees. And His Majesty being desirous to secure equally the interest of Debitors and Creditors, Doth, with advice and consent of His Estates of Parliament, Statute and Ordain, that in place of Comprisings, the Lords of Session, upon Processes raised before them at the instance of any Creditor against his Debitor, Principal or Cautioner, shall Adjudge and Decern to the Creditor in satisfaction of his Debt, as the same shall be decerned by the saids Lords, such a part of the Debitors Estate, consisting in Lands and other Rights which were in use to be appriſed, as shall be worth the sum Principal and Annual-rent then restand to the Creditor, and a fifth part more, in respect the Creditor wants the use of his money, and is necessitat to take Land for the same, besides and attour the composition to the Superior, and expenses of the Infeftment; Which Adjudication shall be made, according to the several rates of the Lands and other Rights in the places where the same do ly; And for that effect, Probation shall be taken by the saids Lords for the part of the Creditor, and likewise for the part of the Debitor (if he shall desire the same) concerning the yearly Rent and value of the saids Lands and Rights, and what they have payed for five years by-gone, and what the same may pay, and the rates and prices at which such Lands and Rights are usually sold in these places of the Kingdom where they ly; With Power to the saids Lords to determine what warrandice the Debitor shall be lyable in to the Creditor, of the Lands and Rights so adjudged as they shall find just: Upon which Decreet of Adjudication, it shall be lawfull to the Creditor immediatly to enter to the possession of the Lands or other Rights adjudged to him, and to intromet with the Mails and Duties thereof; in satisfaction of his Annual-rent during the not redemption, without being lyable to any restriction or action of Count and Reckoning. And in case there be adjudged, Lands affected with Life-rents, or any Casuality or other Right not yeilding Rent during the running of the Legal after-specified, the same shall be expreſt in the said Decreet, together with that part of the sum effeirand thereto; That in case of redemption, the Creditor may have his Annualrent for that part of his sum, for which he had no profit in manner forsaid: Which Lands and other Rights adjudged as said is, shall remain heretably and irredeemably with the Creditor, in case they be not redeemed within the space of five years after the Decreet of Adjudication, by payment

or

or consignation of the sums Principal and Annual-rent, for which the Adjudication did proceed, the Composition payed to the Superior, and expenses in obtaining Infefment and Annual-rent of the same, in so far as is not satisfied by the Creditors possession in manner foresaid: And the Creditor being once in peaceable possession of the saids Lands or Rights, conform to the Decreet of Adjudication, it shall not be lawfull for him to use any further execution against his Debitor, except in the case of eviction upon the warrandice to be decerned by the saids Lords; But it shall be leisum to the Creditor, to use all manner of execution against his Debitor Principal or Cautioner, by Horning, Caption, Arrestment or otherwise, untill he enter to the actual possession of the Lands to be adjudged in manner foresaid. And it is hereby Statute and Ordained, that no Comprisings shall be led in time coming, of any Lands or other Rights, which are not already comprised; But prejudice alwayes of any apprisings led before the date of this Act, or to be deduced of Lands or other Rights already apprised, whereof the Legall is not expired, which are to have course conform to the Laws and Acts formerly made thereanent: It is alwayes hereby Provided and Declared, that in case the Debitor shall abstract the Writs and Evidents of the Lands and other Rights to be adjudged, and shall not produce a sufficient Right thereof, and deliver the same, or Transumpts thereof to the Creditor as the Lords shall judge necessary; and in case he shall not renunce the possession of the Lands and other Rights to be adjudged, and ratifie the Decreet of Adjudication, to the effect the Creditor may enter thereto summarly, without any impediment, so that the Creditor may have a clear right and quiet possession: Then and in that case, it shall be leisum to the Creditor to adjudge all or any Right belonging to his Debitor, in the same manner as he might have apprised the same, conform to the Act of Parliament, 1661. anent the payment of Debts betwixt Debitor and Creditor, in all points, under the Reversion, and with the power competent to other Creditors exprest in the said Act. And it is hereby Declared, that neither the Superior, nor the Adjudger shall be prejudged by this Act, but that they shall be in the same case after citation in this Process of Adjudication, as if Apprising were led of the Lands at that time, and a Charge given to the Superior thereupon: Whilk Decreets of Adjudication abovementioned shall be allowed by the Lords of Session, as Apprisings now are; And the Allowance shall be registrat in the same manner, and under the same certification, with the Allowances of Comprisings; To the effect, the same may be known, and that Creditors may not be disappointed by adjudging Lands already adjudged to others.

XX.

ACT for imploying Vacand Stipends for Universities.

Edinburgh, 10. *of September*, 1672.

THe Kings Majesty, considering the present condition of the several Universities and Colledges within this Kingdom, and the mean and incompetent provision of the Masters and Professors thereof; and being desirous to give all due encouragment to these Seminaries, that thereby able and fit persons may be invited to accept of Functions within the same; Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that the Stipends and Benefices of Kirks that shall happen to Vaik for the space of seven years, This present year, one thousand six hundred and seventy two, being the first of the seven, and so forth to continue untill the expiring of the seven years, shall be imployed for the use of the Universities and Colledges in manner after-specified, *viz.* The Vacancies within the Dioceses of *St. Anrews Dumblain Dunkeld*, *Brichin*, and *Orkney*, for the Universities of *St. Andrews*, and the Vacancies within the Diocese of *Edinburgh*, for the Colledge of *Edinburgh*; and the Vacancies within the Dioceses of *Aberdeen*, *Murray*, *Ross* and *Caithness*, for the Universities of *Aberdeen*; and the Vacancies within the Dioceses of *Glasgow*, *Galloway* and the *Isles*, as follows, *viz.* The Vacancies of the Diocese of *Glasgow* for this present year, one thousand six hundred and seventy two, to be employed, the one half for the University of *St. Andrews*, and the other half for the University of *Glasgow*; and the Vacancies of that Diocese for the six years ensuing, with the Vacancies of the said two Dioceses of *Galloway* and the *Isles* for the whole seven years abovementioned, to be employed for the University of *Glasgow*. And that this supply may prove the more effectual, The several Universities and Colledges are hereby warranted to name Collectors (for whose diligence and faithfulnesse, they are to receive sufficient Caution before they receive their Commissions) to uplift the Vacand Stipends which are or shall become Vacand during the seven years above-

above-mentioned, within the respective Dioceſſes hereby allotted to them; The Collector to be appointed by the Colledge of *Glaſgow*, to uplift the Vacancies of the Dioceſs of *Glaſgow*, alwayes finding ſufficient Caution at the ſight of the Univerſity of *St. Andrews*, to make payment to that Univerſity and to the Univerſity of *Glaſgow*, equally betwixt them, of the Vacancies which he ſhall receive within the ſaid Dioceſs of *Glaſgow* for this preſent year, one thouſand ſix hundred and ſeventy two; And His Majeſty, with advice foreſaid, Ordains Letters of Horning, and all other execution neceſſary, to paſs at the inſtance of the ſaids Collectors, for the more ſpeedy raiſing and inbringing of the Vacancies aforeſaid: Which Vacancies are to be diſpoſed of and imployed for the uſe of the reſpective Univerſities and Colledges yearly, by the Viſitors to be appointed by His Majeſty for the reſpective Univerſities and Colledges under the Great Seal. It is alwayes hereby Declared, that the Vacancies ſhall be burdened with the upholding of the Manſes of theſe Paroches, out of which the Vacancies ſhall be raiſed, in the ſame manner as they were formerly upon removal of the Incumbent, conform to the Act of Parliament made thereanent: and as to the Vacancies of the Dioceſs of *Argyl*, they are to be imployed for maintainance of *Buſſars*, as is appointed by former Acts of Parliament: And His Majeſty, with advice foreſaid, Declares the former Act paſt in the third Seſſion of His Majeſties firſt Parliament, Entituled, *Act for additional proviſion in favours of Univerſities*, to be void and null to all the intents therein contained.

XXI.

ACT concerning the Priviledges of the Office of Lyon King at Armes.

Edinburgh, 10. *of September*, 1672.

OUr Soveraign Lord, conſidering, that albeit by the 125. Act of the 12. Parliament, holden by His Majeſties Grand-father in the year, 1592. the uſurpation of Armes by any of His Majeſties Leidges, without the Authority of the *Lyon King of Armes*, is expreſly diſcharged; And that in order thereto, Power and Commiſſion is granted to the *Lyon King of Armes*, or his Deputes, to viſit the whole Armes of Noblemen, Barons

and Gentlemen, and to matriculate the ſame in their Regiſters, and to fine in one hundred pounds, all others who ſhall unjuſtly uſurp Armes; As alſo to eſcheat all ſuch Goods and Gear, as ſhall have unwarrantable Armes ingraven on them. Yet, amongſt the many irregularities of theſe late times, very many have aſſumed to themſelves Armes, who ſhould bear none, and many of theſe who may in Law bear, have aſſumed to themſelves the Armes of their Chief, without diſtinctions, or Armes which were not carried by them or their Predeceſſors. Therefore, His Majeſty, with advice and conſent of His Eſtates of Parliament, Ratifies and Approves the foreſaid Act of Parliament; And for the more vigorous proſecution thereof, doth hereby Statute and Ordain, that Letters of publication of this preſent Act be direct to be execute at the Mercat-croſs of the head Burghs of the Shires, Stewartries, Baileries of Royalty and Regality, and Royal Burroughs, charging all and ſundry Prelats, Noblemen, Barons and Gentlemen, who make uſe of any Arms or Signs armorial, within the ſpace of one year after the ſaid publication, to bring or ſend an account of what Armes, or Signs armorial they are accuſtomed to uſe, and whether they be Deſcendants of any Family, the Armes of which Family they bear, and of what Brother of the Family they are deſcended; With Teſtificats from perſons of Honour, Noblemen or Gentlemen of quality, anent the verity of their having and uſing thoſe Armes, and of their deſcent as aforeſaid, to be delivered either to the Clerk of the Juriſdiction where the perſons dwells, or to the Lyon Clerk at his Office in *Edinburgh*, at the option of the party, upon their Receipts *gratis*, without paying any thing therefore: Which Receipt ſhall be a ſufficient exoneration to them, from being oblieged to produce again, to the effect, that the *Lyon King of Armes* may diſtinguiſh the ſaids Armes, with congruant Differences, and may matriculate the ſame in his Books and Regiſters, and may give Armes to vertuous and well deſerving perſons, and Extracts of all Armes, expreſſing the blaſoning of the Armes under his hand and ſeal of Office; For which ſhall be payed to the Lyon, the ſumm of twenty merks, by every Prelat and Nobleman, and ten merks be every Knight and Baron, and five merks by every other perſon bearing Armes, and no more: And His Majeſty hereby diſpenſes, with any penalties that may ariſe be this or any preceeding Act for bearing Armes, before the Proclamation to be iſſued hereupon. And it is Statute and Ordained, with conſent foreſaid, that the ſaid Regiſter ſhall be reſpected as the true and unrepealable rule of all Armes and Bearings in *Scotland*, to remain with the Lyons Office as a publick Regiſter of the Kingdom, and to be tranſmitted to his Succeſſors in all time coming: And that whoſoever ſhall uſe any other Armes any manner

manner of way, after the expiring of year and day from the date of the Proclamation to be iſſued hereupon, in manner foreſaid, ſhall pay one hundred pounds money, *toties quoties*, to the Lyon, and ſhall likewayes eſcheat to His Majeſty, all the moveable Goods and Gear upon which the ſaids Armes are engraven, or otherwiſe repreſented. And His Majeſty, with conſent foreſaids Declares, that it is only allowed for Noblemen and Biſhops to ſubſcribe by their Titles; And that all others ſhall ſubſcribe their chriſtned Names, or the initial letter thereof with their Sirnames, and may, if they pleaſes adject the Deſignations of their Lands, prefixing the word OF to the ſaids Deſignations. And the *Lyon King at Armes* and his Brethren, are required to be carefull of informing themſelves of the contraveeners hereof, and that they acquaint His Majeſties Council therewith, who are hereby impowered to puniſh them as perſons diſobedient to, and contraveeners of the Law. It is likewayes hereby Declared, that the Lyon and his Brethren Heraulds are Judges in all ſuch cauſes, concerning the Malverſation of Meſſengers in their Office, and are to enjoy all other priviledges belonging to their Office, which are ſecured to them by the Laws of this Kingdom, and according to former practice.

XXII.

ACT againſt Profaneneſſe.

Edinburgh, 11. *of September*, 1672.

OUr Soveraign Lord, conſidering the many and great violations of the Law of GOD, and of the Laws of this Kingdom, eſtabliſhed by His Majeſty and His Royal Predeceſſors, againſt curſing, ſwearing, drunkenneſſe, fornication and uncleanneſſe, profanation of the Lords-day, mocking or reproaching of Religion and the exerciſes thereof; Which are prohibit by ſeveral Acts of Parliament, under diverſe pecunial mulcts and penalties; and eſpecially by the twenty Act of the twenty two Parliament of King *James* the ſixth, entituled, *Act anent the puniſhment of Drunkards*; And by the eighteenth Act of the firſt Seſſion of His Majeſties firſt Parliament, entituled, *Act for the due obſervation of the Sabbath-day*; And the nineteenth Act thereof entituled, *Act againſt*

swearing and excessive drinking; And by the thirty eight Act of that same Session of Parliament, containing instructions to the Justices of Peace: Doth, with advice of His Estates of Parliament, Statute and Ordain, that the several pains and fines appointed by the said Acts, be inflicted on, andexacted off the respective transgressors; And for that effect, it is hereby Statute and Ordained, that besides the exercise of Church-discipline, according to the Laws and practice usedin this Church, in every Paroch within Royal Burgh, or wherein any of His Majesties Privy Council or Lords of Session, Sheriff, Lord, or Bailiff of Regality or their Deputes, or Commissaries, have their residence or keep Courts, that the saids Councellors or Lords of Session, Magistrats of such Burghs, the Sheriffs and the Lords and Bailiffs of Regalities or their Deputes, the Commissaries or any Justice of Peace, They or any one or more of them, execute or cause execute the saids Laws, against such delinquents in the several Paroches where they reside, as shall be dilated to them by the Kirk-sessions, or other Church-judicatories. Providing alwayes, Likeas it is hereby provided, that the Minister and Kirk-session, with the Heretors of each Paroch, or such of them as upon publick intimation by the Minister from the Pulpit, upon eight dayes warning, shall meet with the Minister, and his assistants in discipline, have the nomination of a Collector, who is to receive and count for the fines so imposed; Excepting to the Royal-Burghs the nomination of their Collectors, who have been accustomed so to nominat, they alwayes being accountable as other Collectors, for the uses afterspecified: And where there be any Paroches, in which there is none of the saids above-named persons in Authority resident, the Minister and Kirk-session and Heretors of the Paroch, or major part of them, who shall conveen upon publick intimation by the Minister upon eight dayes warning, shall nominat so often as they see cause, a person resident within the Paroch, whom they find most fit for executing of the saids Statutes, and shall under their hand, offer the person so chosen to the Sheriffs, Lords and Bailiffs or Regalities, Stewarts, Commissaries, having the ordinary Jurisdiction of that place, who are hereby authorized to give Commission and Deputation to the persons so chosen for conveening the persons transgressors of the foresaid Statutes, and to judge in them according to Law: And it is hereby Declared, that all execution shall pass upon the Decreets and Sentences of the saids Judges and Commissioners, as do or may pass upon the Decreets or Sentences of Sheriffs, Bailiffs of Royality or Regality, for executing of the saids Statutes, conform to the tennor thereof in all points. With

Power

Power to the ſaid Miniſter, Kirk-ſeſſion and Heretors of each Paroch conveened in manner foreſaid, to modifie and appoint ſuch part and portion of the ſums ariſing by the ſaid Decreets, to the Collectors nominat by them for their ſervices, as they ſhall find juſt, according to their pains and diligence. And it is hereby Declared; that the remainder of the ſaids ſums ſhall belong to, and be made uſe of, for the poor of each Paroch *reſpectivè*, in manner following, *viz.* The one half thereof for the uſe of the poor of each Paroch to be ſent to the Correction-houſes, for being bred to lawfull Trades, conform to an Act of Parliament, made in this Seſſion of Parliament; And for which, the Collector ſhall be countable to the Heretors of each Paroch, and ſhall deliver to them Receipts from the Maſters of the Correction-houſes of the one half of the ſaids ſums, toward the allowance of the ſaid poor people, appointed to be payed out of each Paroch by the ſaid Act: and the other half of the ſaids fines ſhall belong to the poor of each Paroch *reſpectivè*, who by the ſaid Act, by reaſon of their age or infirmity, are appointed to be entertained within each Paroch by the Contributions at the Paroch-kirk, and for which the ſaids Collectors are to be countable to the Miniſter and Kirk-ſeſſion of each Paroch, or to the Elders during the vacancy; and to by applyed be them for the uſe of the poor, as they ſhall ſee cauſe.

XXII.
ACT Salvo jure cujuslibet.

Edinburgh, 11. *of September*, 1672.

OUR Soveraign Lord taking to consideration, that there be many Acts of Ratifications and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned or prejudged: Therefore, His *Majesty*, with advice and consent of the Estates of Parliament, Statures and Ordains, That all such particular Acts and Acts of Ratification past in manner foresaid, shall not prejudge any third party of their lawfull Rights, nor of their Actions and Defences competent thereupon, before the making of the said particular Acts and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be oblieged to judge betwixt parties, according to their several Rights standing in their persons before the making of the saids Acts: All which are hereby exponed, and declared to have been made, *Salvo jure cujuslibet.*

XXIII.
ACT of Adjournment.

Edinburgh, 11. *of September*, 1672.

THe King's *Majesty* Declares this Parliament current, and adjourns the same to the second Wednesday of *June* next to come; Ordaining all the Members of Parliament to attend that day, and that there be no new Election of Commissioners from Shires or Burroughs, except upon the death of some of the present Commissioners.

A. Primerose, Cls. Reg.

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THE

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Ratification in favours of Sir *Andrew Ker* of *Cavers.*
Ratification in favours of *James Hamiltoun.*
Ratification in favours of *William Bruce* of *Newton.*
Ratification in favours of *Adam Urquhart* of *Meldrum.*
Ratification in favours of Mr. *George Gibson.*
Ratification in favours of Mr. *John Bayne.*
Ratification in favours of Mr. *Thomas Murray.*
Ratification in favours of Major *Hew Buntein* of *Kilbryd.*
Ratification in favours of *John Rutherford* of *Edgarstoun.*
Two Ratifications in favours of Sir *Andrew Ramsay* of *Abbots-hall.*
Ratification in favours of Mr. *Robert Ross.*
Ratification in favours of Mr. *William Barclay.*
Ratification in favours of *Andrew Fletcher* of *Saltoun.*
Ratification in favours of Sir *Thomas Stewart* of *Gairntullie.*
Ratification in favours of *John Blair* of *Drumskey.*
Ratification in favours of Sir *John Ayton* of that ilk.
Ratification in favours of Mr. *William Eccles.*
Ratification in favours of *Thomas Kirkpatrick.*
Ratification in favours of *John Johnstoun.*
Ratification in favours of *James Menzeis* of *Enoth.*
Ratification in favours of *John Maitland* of *Eccles.*
Ratification in favours of *Robert Greirson* of *Lag.*
Ratification in favours of Sir *James Mackgill* of *Rankellore.*
Ratification in favours of *John Boyl* of *Kelburn.*
Ratification in favours of *James Birsben* of *Bishoptoun.*
Ratification in favours of *John Cunningham* of *Enterkin.*
Ratification in favours of *Archibald Stewart* of *Blackhall.*
Ratification in favours of *David Roswall* of *Achinleck.*
Ratification in favours of *William Blair* of that ilk.
Ratification in favours of Sir *Patrick Maxwell* of *Newark.*
Ratification in favours of Sir *William Graham* of *Gartmore.*
Ratification in favours of Mr. *Roger Hog.*
Ratification in favours of *David Kinneir* of that ilk.
Ratification in favours of *Patrick Threipland* of *Fingask.*
Ratification in favours of *Patrick Maxwell* of *Teilling.*
Ratification in favours of Sir *David Carnegie* of *Pittarro.*
Two Ratifications in favours of Sir *William Bruce* of *Balcaskie.*
Ratification in favours of *William Menzeis* of *Pitfoddell.*
Ratification in favours of *Alexander Cochrane* of *Barbachlaw.*
Ratification in favours of *Peter Hay* of *Nauchton.*

Ratification

A Liſt of the un-printed Acts.

Ratification in favours of *Andrew Anderſon* His *Majeſties* Printer.
Ratification in favours of *Alexander Udney* of that ilk.
Ratification in favours of *John Schaw* of *Sornbeg.*
Ratification in favours of *William Maxwell* of *Facktoun.*
Ratification in favours of *William Murray* of *Stanhop.*
Ratification in favours of *John Walker.*
Ratification in favours of *James Hamiltoun* in *Edinburgh.*
Ratification in favours of *James Maule* of *Melgum.*
Ratification in favours of *Alexander Watſon* Provoſt of *Dundee.*
Ratification in favours of the City of *Edinburgh.*
Ratification in favours of *Alexander Hamiltoun* of *Dalyell.*
Ratification in favours of the Chirurgians in *Glaſgow.*
Ratification in favours of Sir *James Baird* of *Achmedden.*
Ratification of a Gildrie in *Glaſgow.*
Ratification in favours of Sir *James Johnſtoun* of *Weſter-hall.*
Ratification in favours of Mr. *Andrew Burnet* of *Warriſtoun.*
Ratification in favours of the Earl of *Panmure.*
Ratification in favours of *Hew Paterſon.*
Two Ratifications in favours of the Univerſity of *St. Andrews.*
Ratification in favours of the Earl of *Argyl.*
Ratification in favours of the Earl of *Kinghorn.*
Proteſtation by the Earl of *Southesk* & Town of *Forfar* againſt it.
Ratification in favours of Sir *John Young* of *Leny.*
Ratification in favours of *Arthur Tempil* of *Rawelrig.*
Ratification in favours of *John Cheiſlie* of *Gorgie.*
Ratification in favours of Sir *Hew Campbell* of *Calder.*
Ratification in favours of *William Lindſay* of *Belſtane.*
Ratification in favours of Sir *James Fowlis* of *Colingtoun.*
Ratification in favours of *John Leſlie* of *Aquhrosk.*
Ratification in favours of *James Somervell* of *Drum.*
Two Ratifications in favours of Mr. *David Watſon.*
Proteſtation by the Wrights of the *Canogate* againſt one of them.

FINIS.